International Labour Conference

TWENTIETH SESSION

GENEVA, 1936

Reduction of Hours of Work in Iron and Steel Works

Fifth Item on the Agenda

GENEVA

International Labour Office

1936

INTERNATIONAL LABOUR OFFICE

GENEVA, SWITZERLAND

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INTRODUCTION

The question of the reduction of hours of work in iron and steel works appears on the agenda of the Twentieth Session of the International Labour Conference as a result of a decision taken by the Conference at its Nineteenth Session in June 1935 At that Session the discussion of the general question of the reduction of hours of work, regarded as a means both of relieving unemployment and of enabling workers to share in the benefits of technical progress, which had taken place at previous Sessions, was brought to a conclusion by the adoption of the Forty-Hour Week Convention, 1935. This Convention provides that each State ratifying it "declares its approval of (*a*) the principle of a forty-hour week applied in such a manner that the standard of living is not reduced in consequence; (*b*) the taking or facilitating of such measures as may be judged appropriate to secure this end" It also contains an undertaking to apply this principle to classes of employment in accordance with the detailed provisions to be prescribed by such separate Conventions as may be ratified by the State It was with a view to the adoption of one of these separate Conventions that the Nineteenth Session of the Conference decided to place on the agenda of the Twentieth Session the item which is the subject of the present Report

A proposed Draft Convention, the text of which is reproduced in the next section of this Report, was in fact discussed and approved by the Committee on the reduction of hours of work set up by the Nineteenth Session of the Conference The Conference, however, preferred to adopt the double-discussion procedure and decided by 81 votes to 23 to place the question on the agenda of its next Session for second discussion

In preparation for this second discussion the International Labour Office addressed to the Governments of all the States Members of the Organisation a Questionnaire framed on the basis determined by the Nineteenth Session This Questionnaire was despatched towards the end of July 1935 and Governments were requested to furnish their replies not later than 1 December

1935, so as to enable the Office to despatch this Report to Governments in good time before the opening of the Twentieth Session, which is fixed for 4 June 1936. Unfortunately there was a considerable delay in the receipt of replies, but by the date when this Report was made up replies had been received from the Governments of the following countries. Austria, Belgium, Brazil, Bulgaria, Canada (Provinces of Alberta, British Columbia, Manitoba and Saskatchewan), Chile, Colombia, Denmark, Estonia, Finland, France, Great Britain, Hungary, India, 'Iraq, Irish Free State, Italy, Japan, the Netherlands, Norway, Poland, Spain, Sweden, Switzerland, Union of South Africa, United States of America, Yugoslavia

The replies received from these Governments are reproduced in Chapter I of the Report. Chapter II gives a comparative analysis of the replies and the conclusions drawn therefrom by the Office, and at the end of the volume will be found the text of a proposed Draft Convention which the Office submits to the Twentieth Session of the Conference as a basis for its discussions and final decision on the question

Geneva, *March 1936.*

Text of the Proposed Draft Convention concerning the Reduction of Hours of Work in Iron and Steel Works submitted to the Nineteenth Session of the Conference by the Committee on the Reduction of Hours of Work

The General Conference of the International Labour Organisation,

Having met at Geneva in its Nineteenth Session on 4 June 1935;

Considering that the question of the reduction of hours of work is the sixth item on the Agenda of the Session,

Confirming the principle laid down in the Forty-Hour Week Convention, 1935, including the maintenance of the standard of living,

Having determined to give effect to this reduction forthwith in the case of iron and steel works,

adopts this . day of June 1935, the following Draft Convention which may be cited as the Reduction of Hours of Work (Iron and Steel Works) Convention, 1935

Article 1

1 This Convention applies to persons employed in any undertaking or branch thereof engaged wholly or mainly in any one or more of the following operations:

(*a*) the conversion of ore into pig-iron,

(*b*) the conversion of pig-iron or iron or steel scrap into iron or steel,

(*c*) the rolling or heavy forging of iron or steel

2 The competent authority in each country shall, after consultation with the employers' and workers' organisations concerned where such exist, define the line which separates such undertakings or branches from undertakings or branches engaged in related operations

3 The competent authority in each country may, after consultation with the employers' and workers' organisations concerned where such exist, exempt from the application of this Convention persons occupying positions of supervision or management or engaged in technical control of operations who do not ordinarily perform manual work

Article 2

1 The hours of work of persons to whom this Convention applies shall not exceed an average of forty per week

2 In the case of persons who work in successive shifts at processes required by reason of the nature of the process to be carried on without a break at any time of the day, night or week, weekly hours of work may average forty-two

3 Where hours of work are calculated as an average, the competent authority shall, after consultation with the employers' and workers' organisations concerned where such exist, determine the number of weeks over which this average may be calculated.

4 For the purpose of this Convention, the term "hours of work" means the time during which the persons employed are at the disposal of the employer and does not include rest periods during which they are not at his disposal

Article 3

1 No arrangement of hours of work made under the provisions of Article 2, paragraph 1, shall allow of any person working for more than eight hours in any one day or forty-eight hours in any one week

2 Provided that, subject to the forty-eight-hour weekly limit, the daily limit may, by the sanction of the competent authority or by agreement between employers' and workers' representatives, be increased to nine hours

3 Provided also that the limits of eight and forty-eight hours may be exceeded in exceptional cases in which the competent authority, after consultation with the employers' and workers' organisations concerned where such exist, approves an arrangement of hours involving higher limits

Article 4

1 The competent authority may by regulation provide that the limits of hours prescribed in the preceding Articles may be exceeded

(*a*) in the case of persons employed on preparatory or complementary work which must necessarily be carried on outside the limits laid down for the general working of the undertaking, branch or shift,

(*b*) in the case of persons employed in occupations which by their nature involve long periods of inaction during which the said persons have to display neither physical activity nor sustained attention or remain at their posts only to reply to possible calls,

(*c*) in cases where the continued employment of certain persons is necessary for the completion of an operation which it is technically impossible to interrupt.

2 The regulations referred to in paragraph 1 shall determine the maximum number of hours which may be worked in virtue of this Article

Article 5

The limits of hours prescribed in the preceding Articles may be exceeded, but only so far as may be necessary to avoid serious interference with the ordinary working of the undertaking,

(*a*) in case of accident, actual or threatened, or in case of urgent work to be done to machinery or plant, or in case of *force majeure*, or

(*b*) in order to make good the unforeseen absence of one or more members of a shift

Article 6

1 The competent authority may grant an allowance of overtime for exceptional cases of pressure of work Such an allowance shall only be granted under regulations made after consultation as to the necessity of such overtime and the number of hours to be worked with the employers' and workers' organisations concerned where such exist, and no such allowance shall permit of the staff being employed for more than one hundred hours of overtime in any year

2 In cases of urgency in which it is satisfied of the impracticability of engaging additional persons, the competent authority may, in respect of specified persons or classes of persons, grant to individual undertakings temporary permits for further overtime, so however that no such permit shall allow the employment of any person for more than sixty hours of such overtime in any year

3 Overtime authorised under this Article shall be remunerated at not less than one-and-a-quarter times the normal rate

Article 7

In order to facilitate the effective enforcement of the provisions of this Convention every employer shall be required.

(*a*) to notify, by the posting of notices in a conspicuous manner in the works or other suitable place or by such other method as may be approved by the competent authority

(i) the hours at which work begins and ends,

(ii) where work is carried on by shifts, the hours at which each shift begins and ends,

(iii) where a rotation system is applied, a description of the system, including a time-table for each person or group of persons,

(iv) the arrangements made in cases where the average duration of the working week is calculated over a number of weeks, and

(v) rest periods in so far as these are not reckoned as part of the working hours,

(*b*) to keep a record in the form prescribed by the competent authority of all additional hours worked in pursuance of Articles 4, 5 and 6 and of the payments made in respect thereof

Article 8

The annual reports submitted by Members upon the application of this Convention shall include more particularly full information concerning.

(*a*) processes classed as necessarily continuous in character for the purpose of Article 2, paragraph 2,

(*b*) arrangements of hours of work approved in virtue of Article 2, paragraph 3, or of Article 3, paragraph 3,

(*c*) regulations made in virtue of Article 4, and

(*d*) allowances of and temporary permits for overtime granted in virtue of Article 6

Article 9

Nothing in this Convention shall affect any custom or agreement between employers and workers which ensures more favourable conditions than those provided by this Convention

[*There follow the standard articles in the usual form*]

CHAPTER I

REPLIES OF THE GOVERNMENTS TO THE QUESTIONNAIRE

The Governments of the following countries did not furnish detailed replies to the Questionnaire : Austria, Bulgaria, Canada (Provinces of Alberta, British Columbia and Saskatchewan), Colombia, Denmark, Estonia, Great Britain, Hungary, India, 'Iraq, Irish Free State, Japan, the Netherlands, Sweden, Yugoslavia The general statements made by these Governments are reproduced below.

Austria

In view of the widespread unemployment from which the world is suffering, it is fitting that every measure and every means proposed by competent authorities to alleviate this evil should be examined

The International Labour Organisation has for many years past dealt in welcome manner with the problem of the reduction of hours of work as a remedy for unemployment To this problem, viewed from a universal standpoint, no uniform solution has so far been offered Opinions on the subject still differ — indeed are diametrically opposed For this reason the International Labour Organisation has decided to divide the general question of the reduction of hours of work into several questions, and to consider the problem in the first instance in relation to certain industries only This method is undoubtedly calculated to elucidate opinion However, even such a procedure cannot conceal the fact that in countries with rich sources of raw material, ample supplies of capital, low rates of interest, large inland markets and assured export possibilities, as well as up-to-date technical equipment, the situation with regard to the adoption of the forty-hour week is considerably more favourable than in countries where these essential conditions do not exist Austria belongs to the latter group and has had a hard struggle to rebuild gradually its economic position weakened by the world war and the post-war depression To avoid any risk of endangering the progress made the greatest caution must be exercised before taking any decision regarding the reduction of hours of work, a measure which, in view of the differences of opinion, must still be regarded as an experiment the effects of which are yet unknown

The Government adopts, therefore, an attitude of reserve and refrains from replying in detail to the Questionnaire

Bulgaria

The Government considers that it is premature for Bulgaria to adhere to the proposed Conventions in view of the fact that the industries in question are for the most part seasonal or are in the initial stages of development.

Moreover, Bulgarian industry is not sufficiently equipped with improved machinery to enable the workers to produce enough within the space of a shorter working day.

Canada

Province of Alberta

At the present time there are not within the Province industrial establishments carrying on the type of work that would be governed by this Convention.

Province of British Columbia

These matters are at present subject to Government regulation in this Province, by virtue of the Hours of Work Act, Chapter 30, Statutes of British Columbia, 1934, a Statute patterned very largely along the lines of the Draft Convention of the International Labour Organisation, 1919

In view of the fact that the question of Dominion and Provincial jurisdiction is at present before the Supreme Court of Canada, the Provincial Government has deemed it advisable to refrain, meantime, from filling in the answers to those Questionnaires.

Province of Saskatchewan

The Province of Saskatchewan being almost wholly an agricultural province has not developed iron and steel works to the extent that the Hours of Work Convention would be of importance to the wage earners of the Province. The Government therefore has not attempted to answer any of the questions contained in the Questionnaire.

Colombia

The Government confirms the view already expressed by it on other occasions, namely that in Colombia no necessity is felt for shorter working hours. These are at present fixed at eight a day and forty-eight a week by Decree No 895 of 1934, which is modelled closely on the Convention adopted by the Washington Conference in 1919.

Denmark

In conformity with its general point of view, the Government is in favour of effecting a reduction of hours of work in as many fields as possible. However, owing to lack of experience in the industrial field under consideration it does not feel justified in replying in detail to the Questionnaire.

Estonia

The operations mentioned in Question 2 are not carried on in Estonia which is therefore not concerned in the reduction of hours of work in this branch of industry. Consequently, the Government, having no practical experience in the matter, is not in a position to reply to the Questionnaire.

Great Britain

The first and fundamental question in each of these Questionnaires is whether the Government consider it desirable that the International Labour Conference should adopt, in the form of a Draft Convention, international regulations for the reduction of hours of work in the industry in question in accordance with the principle laid down in the Forty-Hour Week Convention, 1935 Consideration of this question involves a careful examination of the terms of the 1935 Convention and on this and cognate matters the Government make the following observations

(*a*) The Forty-Hour Week Convention, 1935, approves "the principle of a forty-hour week applied in such a manner that the standard of living is not reduced in consequence" The Government regard this provision as lacking in precision and outside the possibility of legal enforcement so that the Convention provides no real safeguard of the standard of life of the workers

(*b*) The 1935 International Labour Conference, having adopted the Forty-Hour Week Convention, passed a Resolution in which the view is expressed that the application of the principle of the forty-hour week "should not as a consequence reduce the weekly, monthly or yearly income of the workers, whichever may be the customary method of reckoning, nor lower their standard of living" The inference from the words quoted is that the Convention itself does not provide any safeguard against the reduction of the earnings of the workers consequent upon the reduction of hours and that some further action was required to cover this point The Resolution, however, which is apparently designed to meet this difficulty, imposes no binding obligation on Governments and the Government therefore take the view that neither in the 1935 Convention nor in the Resolution is there any provision which secures the maintenance of earnings as an essential condition of the reduction of hours

(*c*) In directing special attention to the question of the maintenance of earnings the Government take note of the view expressed in the course of the International Labour Conference of 1935 by representatives of the General Council of the Trades Union Congress in favour of the reduction of weekly hours of work to forty on the understanding that there is such adjustment of wages as will secure to the workers no less income per week than was received by them prior to the hours being reduced

Having regard to these considerations the Government's answer to the first question in these Questionnaires must be in the negative and consequently the remaining questions do not call for reply

Hungary

The Government refrains from giving detailed replies to Questionnaires III, IV, V and VI relative to the application of the forty-hour week, in view of the fact that, as a result of the economic situation of the country, consideration is only now being given to the application of the forty-eight-hour week which, moreover, has already been adopted in certain branches of industry Under present economic conditions in Hungary there can be no question even of the systematic application of the forty-eight-hour week in agriculture As a consequence, the introduction of still shorter working hours, in particular of the forty-hour week, is not advisable under present conditions either in agriculture or in industry

India

So far as India is concerned, a compulsory reduction of hours to the limit proposed is entirely impracticable. Generally speaking, the Indian worker cannot produce sufficient to secure an adequate living in the time which it is proposed to allow

Viewed from the wider world aspects the Government of India consider that the policy underlying the proposals is unsound The mere spreading of work by reducing hours in differing degrees, regulated according to the degree of unemployment, might be useful in certain countries as a means of absorbing a number of the unemployed. But a big reduction on a general scale to a uniform level, selected without regard to national conditions, would involve a reduction in production for a considerable period and a consequent reduction in the standard of living

The application of the principle proposed to individual industries in the manner contemplated does not diminish the difficulties For as the community in general will not be willing or able to pay an increased price for the products of the particular industries selected, and as an increased number of workers will be required to produce those products, the standard of living in these industries can only be maintained by the aid of subsidies from the State. The grant of such subsidies to workers in individual industries in order to secure for them a lower level of hours than others have to work would be wrong in principle and the grant of subsidies to any large number of industries would be impossible

In the circumstances the Government of India offer no comments on the remaining questions

'Iraq

The Government has no comment to make on this Questionnaire since it concerns an industry non-existent in 'Iraq

Irish Free State

The Questionnaire on the subject of the Reduction of Hours of Work in Iron and Steel Works has been carefully considered, but as industrial work of the nature contemplated by the Questionnaire is not at present carried on in the Irish Free State the Government is of opinion that no useful purpose would be served by replying in detail to the Questionnaire.

Japan

In view of the present situation of industry in general in Japan, it is difficult to impose by legislation a reduction of hours of work which would contribute to an improvement in the unemployment situation

Moreover, the position is the same with regard to the application of this reduction by categories of industry, such as public works undertaken or subsidised by Governments, the building and civil engineering industry, coal mines and iron and steel works, having regard to the connection between these and other categories

For these reasons, the Government is unable to give a favourable reply to the Questionnaires, which are framed with a view to securing a reduction of hours of work by means of international regulations

The Netherlands

The Government's reply is in the negative.

For an explanation of its attitude the Government refers to the observations made in its reply to Question 1 of Questionnaire III.[1]

In some respects, however, this question differs slightly. The iron and steel industry — where, moreover, hours of work have already been reduced voluntarily on quite a large scale — is not one of those industries which are unaffected by international competition On the contrary, this industry is open to competition on the world market The wage rates in the iron and steel industry have already been reduced to a level below that prevailing in those industries which, by their nature, are not open to international competition. The necessity for a readjustment to correspond with the level of world market prices signifies that in this case also there are grave objections to the application of measures which will lead to an increase in costs of production.

Sweden

The policy with regard to unemployment in Sweden in recent years has been inspired by expansionist principles and aimed at creating employment There is not, it is true, any inevitable contradiction between such a policy and one which seeks to distribute the available amount of work among a larger number of workers by reducing the hours of work Should the problem be approached on the lines of the former policy, reduction of hours of work would, however, appear to be a secondary measure to be resorted to only after the other steps for dealing with unemployment had proved inadequate. (In this connection, the fact that reduction of hours of work may be regarded as a social requirement from other points of view than that of unemployment policy is not lost sight of) While struggling against unemployment, exceptionally widespread in the last years of the crisis, with the idea of not leaving untried any measure calculated in the end to lead to the goal, the Swedish Government has always been equally ready to adopt a favourable attitude in regard to international efforts for reducing hours of work It has, however, always insisted on the necessity of giving effect to the proposed reform while maintaining the standard of living of the workers and of its being adopted by the principal competitors of Sweden on the world market as the conditions for its adhesion to international regulations in this respect It seems indeed likely that the technological progress made in the course of the last few decades in the chief industrial countries is such as to make reduction of hours of work possible without affecting unfavourably the conditions of life in general provided that industrial organisation can be adapted to the revised hours of work in a way calculated to increase the capacity for production and to utilise effectively the available resources But if only a few countries reduce hours of work while maintaining the present wages of workers, the cost of production would be affected to their detriment and the result would be the risk of an increase in unemployment

At the last session of the International Labour Conference, the Swedish Government delegates, in accordance with their instructions, voted in favour of the General Principle Convention establishing a forty-hour week They again expressed on this occasion the reserva-

[1] See Report III submitted to the Twentieth Session of the Conference

tions noted above and recalled the declaration, made officially at the competent Committee, that the ratification of the General Principle Convention would not involve any obligation to ratify the particular Conventions concerning the reduction of hours of work in the various fields of activity, which might be adopted by the Conference During the discussion of the Draft Convention relating to the reduction of hours of work in public works, they explained the objections of the Swedish Government to giving effect progressively to this reform and declared that none of the then existing particular Draft Conventions in respect of this matter could for the moment be applied in Sweden without giving rise to serious difficulties The Draft Convention concerning the reduction of hours of work in public works would not, however, affect Sweden as regards international competition, for that reason and, having regard to the opinion that the reform was necessary, which then prevailed in many quarters, the Swedish delegates supported the adoption of this proposal, the ratification of which was, however, uncertain in the case of Sweden

In the course of these last years and particularly in 1935, the situation in the labour market in Sweden has considerably improved. At the time when the question of reduction of hours of work internationally, regarded as a means of overcoming unemployment, came to the front, i.e. in the autumn of 1932, the number of unemployed seeking relief at the hands of the public authorities in Sweden rose to 161,155, the highest figure for that year, reached in the month of December. The percentage of unemployed among the workers belonging to trade unions was 31 per cent. in this same month of December 1932 The highest figure relating to the number of the unemployed seeking relief was registered at the beginning of the year 1933, when it was in the neighbourhood of 190,000. After this date, there was quite an appreciable decline in unemployment During the first nine months of 1935 it fell from 93,419 to 41,190, the percentage among workers belonging to trade unions unemployed in the course of the same period having declined from 22 5 to 11 per cent. There has been a slight increase in these figures since then, which, however, is of a seasonal character.

Enquiries into the labour supply have also led to conclusions which point to a marked improvement in the labour market in Sweden. An enquiry, pursued systematically for the last few years, relating to cases of shorter hours of work, etc., to be found during a previously specified week in the month of November, shows notably that the proportion of workers with reduced hours of work (including those temporarily discharged) out of the total number engaged in industry, properly so called, is as follows about 40 per cent in 1932; about 25 per cent in 1933, about 10 per cent in 1934 and about 7 per cent in 1935 The average of the hours of work for all the industrial workers covered by this enquiry during the week considered was 43 5 hours in 1932, 46 hours in 1933, 47 hours in 1934 and 47 5 hours in 1935 To illustrate the change in the labour market, the fact should also be mentioned that there was an appreciable increase in the course of these last two years in the overtime permitted in case of urgent necessity.

In certain fields there was an appreciable shortage of skilled workers in 1935 Official employment exchanges referred to this in their reports as regards mechanical workshops and building In the last-named industry it was even found necessary to import temporarily Danish and Norwegian labour during the busiest part of the season

It will be seen from the preceding that, on the whole, the demand for labour in Sweden at present must be considered satisfactory In the greater part of the labour market in Sweden the situation may be regarded as normal Unemployment above the normal rate, which still persists, concerns above all certain districts in which employment mainly depends on branches of production which are declining as a result of structural modifications in exports

In view of the situation in the labour market in Sweden, such as has just been described, apart from all considerations of the principle involved, a reduction of the weekly hours of work to forty, in order to reduce unemployment, does not seem to be called for at present.

As to the four particular Draft Conventions in question, the following observations are made

As regards the regulation of hours of work, public works undertaken or subsidised by the Government could not be distinguished from other building or civil engineering works. A considerable number of public works coming under the above definition are carried out by district boards (construction of roads, etc), private contractors, agriculturists (improvement in housing, drainage, etc) and others With regard to Sweden, the question of reduction of hours of work in public works referred to in the Draft Convention should be considered in the light of existing conditions in respect of building and civil engineering works as a whole, whether public or private

As a result of the climatic conditions and general custom in Sweden, building work is to a considerable extent of a seasonal character It follows that in the building industry in Sweden the problem of unemployment is essentially one of seasonal unemployment As has been stated above, the shortage of labour in this industry during the full season was such last year that it was necessary to import it temporarily from neighbouring Scandinavian countries During the winter, on the other hand, when building operations are for the most part suspended, there is considerable unemployment Should a reduction of hours of work in the building industry have the effect of increasing the number of workers engaged in it, there would evidently be also the same increase in seasonal unemployment As long as building operations have such a distinctly seasonal character as is the case to-day in Sweden, it would hardly be reasonable to encourage workers to enter into an occupation in which employment is so very unstable by reducing the hours of work It is to be noted in this connection that an official enquiry is being pursued at present devoted to the study of appropriate measures for reducing the seasonal fluctuations in the building industry

As regards reduction of hours of work in public works undertaken or subsidised by the State, in addition to the objections stated above, it is necessary to call attention to the unfavourable repercussions that the adoption of this measure would have on the construction works subsidised by the State at present being proceeded with on a large scale in Sweden with a view to increasing the number of houses and improving housing These operations are above all aimed at bringing about an improvement — necessary from the social point of view — in the conditions of the housing of the people, but are very important also with regard to the struggle against unemployment It is to be feared that they would be affected should a reduction of hours of work with the present scale of wages cause a further increase in the already high cost of building in Sweden

It is also necessary to take into consideration in this connection the appreciable differences — socially regrettable — which exist between

the wages of industrial workers on the one hand, and, on the other, those of workers engaged in agriculture or in lumbering. Should the State take measures to reduce the hours of work in industry while maintaining the present rates of wages, these differences would be further accentuated There seems to be little doubt that at the present time it is in agriculture where it is most necessary to adopt measures regulating the hours of work With a view to establishing equality between industrial and agricultural workers in respect of hours of work, the Swedish Government proposes to introduce a Bill for limiting the hours of work in agriculture in the 1936 Session of the Riksdag

In the iron and steel industry in Sweden the conditions in respect of reduction of hours of work are in certain respects similar to those in the building industry in the sense that the demand for labour therein is satisfactory and it was even found last year that there was a shortage of qualified workers in certain categories The crucial fact, however, in considering the question whether it would be desirable to proceed with a reduction of hours of work in this industry is that the Swedish iron and steel industry caters for export in an exceptionally large measure and is therefore particularly susceptible to foreign competition Unfortunately, it is not to be expected that the condition to which Sweden has always subjected its adhesion to international regulations will be fulfilled in the not far distant future, i e that the most important of the competing countries should also adopt the same measure In Germany, the chief of these countries, it appears that a fifty-six-hour week is worked in continuous iron and steel factories and, as this country does not belong to the International Labour Organisation, a Convention adopted by the latter providing for the reduction of hours of work would evidently not alter this situation in any way

As for the reduction of hours of work in coal mines, it is only of very limited concern to Sweden, which produces only a small quantity of coal.

It will be seen from the above that the conditions favourable for limiting the hours of work to forty a week do not at present exist in Sweden in any of the fields of work referred to in the Questionnaires Consequently, the Swedish Government considers that it is not necessary for it to reply in detail to the questions put therein

Yugoslavia

In conformity with the attitude adopted by the Government of the Kingdom of Yugoslavia during the voting on the Convention laying down the principle of the forty-hour week, the Government replies as follows to the Questionnaire concerning the reduction of hours of work in iron and steel works

The general conditions under which undertakings converting ore into iron have to work, and the means of transport available for bringing the material to the works, are such as to increase the costs of manufacture The introduction of mechanical appliances into these undertakings in order to rationalise methods of working would result in increasing the costs of production

The production of iron and steel and their working up are in a somewhat stagnant condition in the Kingdom of Yugoslavia as the result of a substantial fall in consumption.

The unemployment which is to be observed in this branch of industry is due in large measure to the fall in consumption The reduction of hours of work in this industry could not, therefore, result in the employment of a greater number of workers Moreover,

such a reduction would have some influence in reducing the amount of the wages of the workers employed.

Having regard to the foregoing considerations, the Government is not able to give a reply favourable to the adoption of a Forty-Hour Week Convention for the iron and steel industry

* * *

Detailed replies to the Questionnaire were furnished by the Governments of the following countries Belgium, Brazil, Canada (Manitoba), Chile, Finland, France, Italy, Norway, Poland, Spain, Switzerland, Union of South Africa, United States of America The replies of these Governments, subdivided according to the subject-matter of the various questions, are reproduced below

DESIRABILITY OF THE ADOPTION OF A DRAFT CONVENTION

1. Do you consider it desirable that the International Labour Conference should adopt, in the form of a Draft Convention, international regulations for the reduction of hours of work in iron and steel works in accordance with the principle laid down in the Forty-Hour Week Convention, 1935 ?

Belgium

1 The reply is in the affirmative

Brazil

1 The principle laid down in the Forty-Hour Convention of 1935 was enunciated with a view to bringing about a reduction in the excessive number of unemployed to be found chiefly in the large majority of industrial countries

But, in Brazil, a country in which the development of industrial activities is of more or less recent date, not only is there no crisis of unemployment in industry, but this is also true particularly in respect of agriculture As reduction of hours of work, no matter in which field of activity, is chiefly undertaken in order to distribute employment among the largest possible number of workers affected by unemployment at present and as this phenomenon does not exist in Brazil, there would be no need for the moment to have recourse to the measure in question in this country

Nevertheless, the Government follows with sympathy all efforts tending to improve the condition of the unemployed and, subject to these observations, replies as follows to the other points of the Questionnaire

Canada

Province of Manitoba

1 The reply is in the affirmative

Chile

1. The reply is in the affirmative

Finland

1. The iron and steel industry in Finland is relatively unimportant, and unemployment, the mitigation of which is the principal object of the reduction of hours of work, does not exist in normal times During periods of depression certain undertakings have, it is true, been obliged to reduce the working week to five days, but they have continued to employ their regular staff though with a corresponding reduction of the weekly wage. If, during a period of normal production, the number of workers were increased in order to reduce hours of work, this would result in unemployment immediately production has to be restricted As to the maintenance of the standard of living of the workers in the event of a reduction of the weekly hours of work, consideration must be given to the fact that experience has shown that this industry, which, in Finland, is carried on under difficult conditions owing to foreign competition and the lack of raw materials in the country itself, could hardly maintain the same level of wages with a reduction of hours of work. It would seem, therefore, that in Finland there are no adequate reasons for reducing hours of work in the industry in question and that such a reduction would not have the desired results. The Government's reply, therefore, is given on the understanding that Finland could not at present ratify the proposed Convention.

France

1. The Government considers it desirable that the International Labour Conference should adopt, in the form of a Draft Convention, international regulations for the reduction of hours of work in iron and steel works in accordance with the principle laid down in the Forty-Hour Week Convention, adopted by the Conference in 1935.

If the reform is to be achieved countries which may be in competition with one another economically must be under an effective obligation

Italy

1. The Government considers it desirable that the International Labour Conference should adopt international regulations in the form of a Draft Convention for the reduction of hours of work in iron and steel works in accordance with the principle laid down in the Forty-Hour-Week Convention, 1935.

Norway

1. The reply is in the affirmative

Poland

1 The reply is in the affirmative.

Spain

1. The Government replies in the affirmative, having regard to the decisions already taken by the Conference

Switzerland

Preliminary observations — The Government states that its attitude with regard to reduction of hours of work has already been expressed on various occasions either in its replies to the Questionnaires on the subject or in the speeches and declarations made by its representatives at the Conference It does not, therefore, deem it necessary once more to go into the details of the reasons on which this attitude is based It recalls that Switzerland, being an inland country without the raw materials indispensable for the needs of industry, with a surface of which large areas are unproductive and a restricted home market, is constrained, in order to feed its population, to export its goods to foreign markets, which are being closed to it more and more during recent years as a result of profound disturbances and changes in world economy It regrets it cannot see its way to subscribe to a measure such as the one which underlies the Questionnaire, as it is convinced that the adoption of a regulation like the reduction of hours of work to forty per week in the international sphere presupposes the existence of normal economic relations and a certain stabilisation of world economy, even should the reduction be effected not at once, but by stages and by branches of industry, which, as has moreover been declared by its representatives, appears to be the only possible method Further, the Government is convinced that, if wages and the standard of living were to be maintained as at present, and apart from the question of the disturbing effect of such a reduction of hours of work on industrial organisation, the establishment of a forty-hour week would increase the cost of production It was for these reasons, apart from the reservations which the principle of a forty-hour week in itself calls for, that the Swiss delegates could not support the Convention on the principle of the forty-hour week adopted by the Conference at its last Session

It is in this sense that the Government referred the Questionnaire in question to its services, and it now replies briefly as follows

1 This is not one of the more extensive industries of Switzerland Nevertheless, the considerations set out in the preliminary note are no less relevant to it The Government cannot therefore be in favour of a Convention

Union of South Africa

1 The iron and steel industry is essentially one in which the manufactured products are open to international competition While the cost of converting raw materials to finished products is largely dependent on wages, other factors, such as the efficiency of the workers, mass production, the capital cost of the plant, etc , also require to be taken into consideration

If international arrangements were possible whereby the conversion costs of the countries competing in the same market could be brought to the same level, and provided that there were sufficient suitable workers available, then the reply would be in the affirmative

It is difficult at present to visualise the possibility of the international levelling up of the basis of production, the following replies are, however, contingent upon the realisation of this ideal

UNITED STATES OF AMERICA

1 Yes The experience of the United States with the N R A. codes leads to the belief that an international Convention limiting the hours of labour in the iron and steel industry to forty a week in general, and without any reduction in living standards, is entirely practicable The fact that the Convention is international would remove the objections to possible increases in competitive costs Moreover, with the rapid technological improvements in the industry, there is reason to believe that there would be no more than very temporary increases in production costs

SCOPE OF THE DRAFT CONVENTION

2. (i) Do you consider that the Draft Convention should apply to persons employed in any undertaking or branch of an undertaking engaged wholly or mainly in certain specified operations ?

(*Art 1, par. 1*)

(ii) If the reply to (i) is in the affirmative, do you agree that the operations to be specified should be :

(*a*) the conversion of ore into pig-iron ;

(*b*) the conversion of pig-iron or iron or steel scrap into iron or steel ;

(*c*) the rolling or heavy forging of iron or steel ?

(*Art. 1, par. 1*)

(iii) Do you propose the specification of any further operations. and, if so. what operations do you suggest ?

3. If you do not approve of definition of the scope of the Draft Convention as indicated in Question 2, do you consider that the Convention should apply :

(*a*) to persons engaged on the production of certain specified products ;

Please give a list of the products you propose.

or (*b*) to persons engaged on certain specified operations ?

Please give a list of the operations you propose.

4. (i) Do you consider that the competent authority in each country should be required to define the line which separates the undertakings or branches of undertakings (or products or opera-

tions, as the case may be) in respect of which the Draft Convention applies from those in respect of which it does not apply ?

(*Art 1, par. 2*)

(ii) Do you consider that the competent authority should be required to consult with the employers' and workers' organisations concerned, where such exist, before defining this line ?

(*Art. 1, par 2*)

BELGIUM

2 (i) Yes, it being understood that the Convention would apply to the whole staff including persons employed on accessory operations

(ii) The reply is in the affirmative

(iii) See the reply to Question 2 (i)

3 The question falls

4 (i) and (ii) The reply is in the affirmative

BRAZIL

2 (i) The reply is in the affirmative

(ii) (*a*), (*b*) and (*c*) The reply is in the affirmative

(iii) All allied operations carried out in the places specified

3. (*a*) and (*b*) The question falls

4 (i) and (ii) The reply is in the affirmative

CANADA

Province of Manitoba

2 (i) The reply is in the affirmative

(ii) (*a*), (*b*) and (*c*) The reply is in the affirmative

(iii) All operations concerning iron and steel works

3. The question falls

4 (i) and (ii) The reply is in the affirmative

CHILE

2 (i) The reply is in the affirmative

(ii) (*a*), (*b*) and (*c*) The reply is in the affirmative

(iii) The reply is in the negative

3 (*a*) and (*b*) The question falls

4 (i) and (ii) The reply is in the affirmative

FINLAND

2 (i) The reply is in the affirmative provided that the competent authority in each country is authorised to define the extent of the application

(ii) See reply to (i)

(iii) The reply is in the negative.

3 See reply to Question 2 (i)

4 (i) and (ii) The replies are in the affirmative

FRANCE

2 (i) The reply is in the affirmative

(ii) The regulations to be framed should, in principle, cover all metallurgical operations, properly so called, up to the point where the working up of the metal into manufactured goods begins But the indeterminateness of the line of demarcation in certain border-line cases and the fact that metallurgical works carry the working of the metal up to more or less advanced stages make the application of this principle difficult in certain cases In defining the scope of the Draft Convention, account must also be taken of the necessity for making the conditions of employment as uniform as possible in establishments or branches of establishments which produce in competition with one another and of the desirability of ensuring that as far as possible only one Convention should be applicable within a single industrial unit

For these reasons the Government proposes that the operations mentioned here should be more precisely and completely specified as follows

(1) Combine clauses (*a*) and (*b*) into a single specification as follows

(a) *Production of any kind of cast-iron, iron or steel or alloys thereof*

This formula is wider than that given in the Questionnaire and covers, without leaving any room for doubt, the whole range of metallurgical operations, properly so called, for iron and its compounds, whether with carbon (cast-iron and steel) or with other metals or metalloids (special cast-irons and steels) Clause (*a*) of the Questionnaire (conversion of ore into pig-iron) leaves outside its scope the production in blast furnaces of special cast-irons from scrap-iron, the ore being only a material added in a proportion not exceeding 3 or 4 per cent The ores used are, of course, special ores, the nature of which varies according to the special kind of cast-iron it is desired to produce The clause also excludes malleable iron, which is produced in reverberatory furnaces from refined cast-iron.

Moreover, clause (*b*) (conversion of pig-iron or iron or steel scrap into iron or steel) would not cover metallurgical operations with *steel already produced* when these operations are carried on, as does happen, in separate works or branches of works which would be outside the scope of the Convention This is the case in the production, nowadays of very great importance, of *fine (tool) steels* by the refining of ordinary steels in the electric furnace and of *special steels (alloy steels)*, nor does this formula cover the manufacture of *ferro-alloys* or of case-hardened (carbonised) or crucible steel, though the latter is not, it is true, of great importance

These gaps would be closed by the new formula proposed

(2) Substitute for clause (*c*) of the Questionnaire (rolling or heavy forging of iron or steel) the following two clauses

(b) *Hot rolling of iron or steel,*

(c) *Forging, die-stamping, drop-stamping or pressing of heavy castings of iron or steel*

The intention is that the proposed regulations should apply in effect to the fundamental operations in the metallurgy of iron It should therefore apply primarily, so far as rolling and forging are concerned, only to the operations that are carried on in conjunction

with the production of the metal From the commentary given this would appear to have been the intention in framing the proposed Draft Convention

In principle, therefore, only those operations of rolling and forging should be regarded as covered by the Draft Convention which are carried out on the steel ingot without any intermediate heating or on the bar of crude iron In practice, the ingot is transformed by rolling into blooms, billets, plates, rails, girders, railway sleepers, large rods standard shapes, heavy sheets etc Some works producing billets, however, begin with blooms that have been allowed to cool

As these "semi-products" and products of heavy forging of ingots are made in the works that produce the metal, it follows that the scope of the Draft Convention should be co-extensive with them But in fact the situation is more complicated, works which are nominally iron and steel works often carrying out, as subsidiary operations, re-rolling operations (making of special shapes, commercial iron, iron for drawing medium, or thin sheets, tinplate, strips, machine-drawn wire, etc)

These re-rolling operations, although apparently not intended to be covered by the Draft Convention despite the fact that the term "rolling is used without qualification in the Questionnaire, would nevertheless be covered, as subsidiary operations, in the works in question On the other hand they would be excluded when they constituted the sole or main operations of separate re-rolling works The result would be an anomaly which would place the two kinds of works on unequal footings as regards competition and which ought to be avoided as far as possible It is for this reason that it is proposed to bring definitely within the scope of the Convention all hot-rolling operations The fact that certain of these operations might perhaps be regarded as associated, in certain respects, with metal-working does not seem to give rise to any practical inconvenience

The adoption of this precise criterion would result in the exclusion only of cold-rolling, which undoubtedly belongs to metal-working and moreover constitutes a separate branch of manufacture

To go any further in the elimination of rolling operations would doubtless cause more inconveniences than advantages in practice

Heavy forging gives rise to observations of the same kind as rolling It is carried out on ingots or blooms of steel or on bars of crude iron, in connection with the production of the metal or after the material to be worked has been cooled It is to be met with not only in iron and steel works strictly so called but also in the works of big undertakings engaged in constructional steel work, engineering, shipbuilding, etc

Heavy forging is characterised by these three features the material is in units of considerable size, and presses or power-hammers and metallurgical furnaces are used It is the size of the material worked which is the main characteristic of heavy forging, the other two features not being peculiar to it, save as regards the power of the forging presses It would not appear to be nesessary, however, to include any precise criterion on this point in the Convention The determination of what is heavy forging, which might in fact present some difficulty in certain cases, rests upon questions of fact and, it would seem, should be left to national laws or regulations

By way of indication, it would seem that heavy forging, in French iron and steel works, should *prima facie* include only the forging of units which, before working, are at least 80 mm in diameter if they

are cylindrical, or 70 mm in the side if they are square in section or an equivalent dimension if they are of some other section The round of 80 mm in diameter is the minimum dimension of blooms, and square sections of 70 mm and upwards in the side represent the point at which the forging of heavy axles is begun

Certain operations such as the making of heavy wheels and axles should also, it would seem, be covered by the Convention, both as rolling and as heavy forging

The question arises in this connection as to whether the operations of heavy die-stamping, drop-stamping or pressing should not be assimilated to heavy forging, whether these operations are carried out in conjunction with the heavy forging or in separate workshops. In cases where these operations present the same characteristics as heavy forging it would seem that they ought likewise to be brought within the Convention There does not, for example, appear to be any good reason for distinguishing between the pressing of round section pieces of 80 mm diameter (in the making of 75 mm shells, for example) and the forging of the same pieces

It is for these reasons that the formula given above is suggested, namely "forging, die-stamping, drop-stamping or pressing of heavy castings of iron or steel".

In fact, in the great majority of cases these operations, under a strict interpretation, as is mentioned above, would no doubt fall within the scope of the Convention only in the case of works engaged in the production of the metal If, therefore, it should appear that a formula such as that proposed, or the term "heavy forging" used in the Questionnaire, is not precise enough to ensure sufficiently uniform application of the Convention on this point, recourse might be had as an alternative to the inclusion of these operations only in so far as they are carried out in works for the production of iron and steel This could be effected by an appropriate drafting From the point of view of competition, it would not seem that this second method would present any particular inconvenience, heavy forging *strictly so called* (or work assimilated to it) being of relatively minor importance in establishments engaged in constructional iron work Too wide an interpretation would on the contrary lead in many cases to confusion with operations belonging to the metal-working industry and would destroy the unity of the regulations

(iii) This question does not call for any reply

3 (*a*) and (*b*) This question does not call for a reply

4 (i) The definition of the line which separates the works or branches of works to which the Draft Convention would apply from those to which it would not apply should be left to the competent authority only in so far as the line cannot be defined with sufficient precision in the Draft Convention itself

The significance to be attached to the word "mainly" used in the definition of the scope would in any case have to be left to be determined by the competent authority

(ii) The reply is in the affirmative

ITALY

2 (i) and (ii) The Government is of opinion that the Draft Convention should apply to persons employed in undertakings or branches of undertakings engaged wholly or mainly in (*a*) the conversion of ore into pig-iron, (*b*) the conversion of pig iron or iron or steel scrap into iron or steel, (*c*) the rolling or heavy forging of iron or steel

(iii) The Government proposes that the Draft Convention should specify in addition to the operations mentioned above the production of iron alloys, which calls for a system of working similar to that in the case of blast furnaces producing pig-iron

3 See the reply to the previous question

4 The Government considers that the competent authority in each country should, after consultation with the employers' and workers' organisations concerned, define the line which separates the undertakings or branches of undertakings in respect of which the Draft Convention applies from related undertakings

NORWAY

2 (i) The reply is in the affirmative
(ii) (*a*), (*b*), (*c*) The reply is in the affirmative
(iii) The reply is in the negative

3 The question falls

4 (i) The reply is in the affirmative
(ii) It is supposed that the competent authority will collect all necessary information and observations before defining this line

POLAND

2 (i) The reply is in the affirmative
(ii) (*a*), (*b*) and (*c*) The replies are in the affirmative
(iii) (No reply is given)

3 This question falls

4 (i) The reply is in the affirmative.
(ii) (No reply is given) [1]

SPAIN

2 (i) The Draft Convention should apply in respect of a definite number of operations, which would determine its scope
(ii) The Government agrees that these operations should be those set out in the question, namely, conversion of the ore, conversion into iron or steel, rolling and forging

3 The Government is not in favour of drawing up a list of products, considering it preferable that the scope should be determined by the character of the operations or of the work done

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[1] In the letter transmitting its replies to the Questionnaires issued in preparation for the Twentieth Session of the Conference, the Polish Government makes the following observations

The practice of consultation with the employers' and workers' organisations concerned is widely applied in Poland Such consultations take place not only when legislation is being drafted but also in connection with the application of labour legislation and this is frequently required by law Nevertheless, the Polish Government is of the opinion that if such consultation were to be required on so large a scale as the Questionnaires would seem to make possible even for questions of secondary importance, there would be a risk of imposing by an international Convention a procedure which would be onerous and which might give rise to undesirable difficulties and delays in the effective application of social legislation

4 (i) The competent authority should determine in each country the line of demarcation between the undertakings or branches of undertakings to which the Draft Convention would apply and those to which it would not apply.

(ii) The competent authority should, whenever possible, consult the organisations concerned.

SWITZERLAND

2 and 3. On the assumption that a Convention should be adopted, the definition suggested in part (ii) of Question 2 would seem to be acceptable It should be observed, however, that processes are sometimes carried out in the undertakings covered by the definition which go further than the rolling or heavy forging of iron and steel Therefore, should these processes be excluded from the specification, the same undertaking might come under two different systems of working conditions at the same time, which would surely give rise to complications

4. The reply is in the affirmative

UNION OF SOUTH AFRICA

2 (i) The reply is in the affirmative.

(ii) (*a*), (*b*), (*c*) The reply is in the affirmative

(iii) The reply is in the negative

3 This question falls

4 (i) The reply is in the affirmative

(ii) No, in the application of any law, it is essential that the Governmental authority should, within specified limitations, have the unrestricted right to use its own discretion regarding the application It is the policy in the Union of South Africa to consult the employers' and workers' organisations whenever possible, but it is not always practicable to do so and the competent authority should therefore have the right to use its own discretion regarding such consultation

UNITED STATES OF AMERICA

2 (i) The reply is in the affirmative

(*Note* — This enquiry must be considered in connection with Questions 2 and 3 There are three methods by which the coverage of a Convention can be determined (1) on the basis of particular kinds of plants (such as blast furnaces); (2) on the basis of kinds of products (as ingots, billets, etc), or (3) on the basis of those engaged in certain operations (as persons working at puddling, blowing, etc.) The latter two methods would require the making of long lists of designated products or operations, and it would be extremely difficult to make such lists for international application, in view of the differences in the conduct of the iron and steel industry in different countries Also these latter two methods might easily lead to overlapping between industries and (assuming that Hours Conventions are ultimately adopted in all employments) to a situation where different sections of the same plant might be subject to different Conventions

The first method seems by far the most simple and most practical — to make the iron and steel Conventions apply to all persons in

particular types of plants, namely, blast furnaces, steel mills, and rolling mills)

(ii) Yes. This classification seems to be in conformity with American practice, and is probably sufficiently clear cut and definite to insure substantial uniformity as between countries

(iii) The reply is in the negative

3 See answer to Question 2

4 (i) and (ii) Yes, to both of these questions.

(*Note* — No matter what definitions are used in describing coverage, there would inevitably arise points of detail, which could only be decided locally. Such decisions would have to be made by the competent authority in each country (normally this would be a Government official or agency) and, as a protection against improper or unwise decisions, the competent authority in such cases should be required to consult with the appropriate organisations of employers and employees in the industry)

5. Do you consider that the competent authority in each country should be permitted to exempt from the application of the Draft Convention:

(*a*) Persons occupying positions of supervision or management who do not ordinarily perform manual work;

(*Art 1, par. 3*)

(*b*) Persons engaged in technical control of operations who do not ordinarily perform manual work?

(*Art. 1, par 3*)

6. Are there any other categories of persons whom you consider the competent authority should be permitted to exempt?

7. Do you consider that the competent authority should be required to consult with the employers' and workers' organisations concerned before exempting any category of persons?

(*Art 1, par. 3*)

BELGIUM

5 (*a*) and (*b*) The reply is in the affirmative.

6 The reply is in the negative.

7 The reply is in the affirmative

BRAZIL

5 (*a*) and (*b*) The reply is in the affirmative

6 Yes, persons engaged in verification or supervision

7. Yes, the industrial associations could render great assistance to Governments in this respect

CANADA

Province of Manitoba

5 (*a*) and (*b*) The reply is in the affirmative

6 The reply is in the negative.

7 The reply is in the affirmative

CHILE

5 (*a*) and (*b*) The reply is in the affirmative

6 The reply is in the negative

7 Yes This consultation would consist in communicating to the organisations concerned bills and draft regulations before they are submitted to the Congress or are finally approved

FINLAND

5 (*a*) and (*b*) The replies are in the affirmative

6 See reply to Question 2 (1)

7 The reply is in the affirmative

FRANCE

5 (*a*) and (*b*) The only persons who should be excluded from the application of the Draft Convention are those who are in actual charge of the various services of an establishment or undertaking and can therefore be assimilated to the heads of the establishments on whose behalf they are acting Persons who merely occupy positions of supervision or are engaged in technical control of operations and who are in fact only employees should be subject to the Convention, with the reservation that special exceptions might be provided in their case to meet the requirements of the duties they have to discharge In any event it would be necessary to include in the Draft Convention very precise definitions of the classes of persons exempted from its application There is a risk that if all that was included in the Convention were the phrase "persons occupying positions of supervision or management or engaged in technical control of operations" this would be interpreted in very different fashions in national laws and regulations

6 The reply is in the negative

7 If the classes of persons exempted are not set out in the Draft Convention itself the competent authority should be required to consult with the employers' and workers' organisations concerned before exempting any category of persons

ITALY

5, 6 and 7 The competent authority in each country should be permitted to exempt from the application of the Draft Convention, after consultation with the employers' and workers' organisations concerned, persons occupying positions of supervision or management and persons engaged in technical control of operations who do not ordinarily perform manual work

NORWAY

5 The reply is in the affirmative

6 The reply is in the negative

7. See reply to Question 4 (ii)

POLAND

5 (*a*) The competent authority in each country might be empowered to exempt from the application of the Draft Convention persons occupying positions of management As regards persons occupying positions of supervision, exemption would be calculated rather to increase unemployment amongst intellectual workers than to contribute to its reduction and should not be allowed

(*b*) No, for the same reasons as are indicated in the reply to the previous question

6 The reply is in the negative

7. (See footnote on p 27.)

SPAIN

5 The competent authority should be permitted to exempt the persons mentioned in the question

6 The competent authority should be permitted to exempt small undertakings, to which it would not be easy to apply the new system by reason of its social and economic consequences

7 Before exempting any persons other than those indicated in Question 5, the competent authority should be required to consult the organisations concerned

SWITZERLAND

5. The reply is in the affirmative

6 No suggestions

7 The reply is in the affirmative.

UNION OF SOUTH AFRICA

5 (*a*) and (*b*) The reply is in the affirmative

6 It does not appear desirable that the Draft Convention should specify categories of persons, but provision should be made for the competent authority to exempt such categories of persons or work as it deems fit

7 No See reply to Question 4 (ii)

UNITED STATES OF AMERICA

5 (*a*) The exemption of (*a*), i e. "persons occupying positions of supervision or management who do not ordinarily perform manual work", seems justified and desirable, provided the term 'supervision" is strictly construed

(*b*) Doubt exists, however, as regards (*b*), i e "persons engaged in technical control of operations who do not ordinarily perform manual work" The only reason for their exemption would be that such persons are ordinarily few in number and may be difficult to secure If the exemption is allowed the definition should be so carefully drawn that the phrase "in technical control of operations" could not be interpreted to include ordinary chemists, metallurgists, etc., whose positions do not immediately affect production, and among whom there is extensive unemployment in the United States

6. The reply is in the negative

(*Note* — Employers' delegates at the 1935 Conference urged the exemption of skilled workers when there was not a surplus supply of such workers in a particular locality. Such an exemption, however, would be subject to serious abuses, and should not be approved)

7 The reply is in the affirmative

(*Note* — This is a desirable procedure in order that the points of view of employers and workers might be given expression)

DEFINITION OF HOURS OF WORK

8. Do you consider that for the purposes of the Draft Convention "hours of work" should be defined as meaning the time during which the persons employed are at the disposal of the employer, not including rest periods during which they are not at his disposal ? (*Art 2, par. 4*)

Belgium

8 The reply is in the affirmative.

Brazil

8 Yes The definition suggested meets the purposes of the Draft Convention

Canada

Province of Manitoba

8 The reply is in the affirmative

Chile

8 The reply is in the affirmative

Finland

8 The reply is in the affirmative.

France

8 The reply is in the affirmative

ITALY

8. The Government considers that for the purposes of the Draft Convention the term "hours of work" should mean the time during which the persons employed are at the disposal of the employer.

NORWAY

8 The reply is in the affirmative.

POLAND

8 The reply is in the affirmative

SPAIN

8 The expression "hours of work" should be defined as indicated in the question

SWITZERLAND

8. The reply is in the affirmative, but it should be observed that special arrangements should be permitted so that in the case of workers living at a distance from their place of work the time spent in travelling to and fro would be taken into consideration in reckoning the hours of work

UNION OF SOUTH AFRICA

8 The reply is in the affirmative

UNITED STATES OF AMERICA

8 Rest periods (other than meal periods) are not customary in American industry Except in instances of very long hours of labour (which are excluded under the terms of the proposed Convention) rest periods would seem necessary only in case of exceptionally fatiguing operations In such instances they would be in the interest of efficient output and should therefore be paid for by the employer To permit of the establishing of unpaid rest periods by the employer would make possible serious abuses through the undue spreading out of the period of daily work If any such system is approved there should be a definite limit (say half an hour) upon the total length of the rest period or periods during each day

LIMITATION OF HOURS OF WORK

(a) *Weekly Limits*

9. (i) Do you consider that the Draft Convention should fix the limit of hours of work, as a general rule, at forty per week ? *(Art 2, par 1)*

(ii) If the reply to (i) is in the negative, what other limit do you propose ?

BELGIUM

9 (i) The reply is in the affirmative

BRAZIL

9. (i) Yes Having regard to the purpose of the Draft Convention, at present under consideration, which is based on Draft Convention No 47, the weekly limit of hours of work should, as a general rule, be fixed at forty.

CANADA

Province of Manitoba

9. (i) The reply is in the affirmative.

CHILE

9. (i) The reply is in the affirmative.

FINLAND

9. (i) and (ii) See reply to Question 1.

FRANCE

9. (i) The reply is in the affirmative.

ITALY

9 The Government considers that the normal weekly limit of hours of work should be fixed at forty hours.

NORWAY

9. The reply is in the affirmative

POLAND

9. (i) The reply is in the affirmative.

SPAIN

9 The Draft Convention should limit hours of work to forty a week.

SWITZERLAND

9 If the undertakings covered were to work only five days, they might, it is true, be able to deal with the matter by spreading out the forty hours over five working days But it will be necessary, as a rule, to utilise fully all the six week-days, as often operations are involved which though stopped on Sundays are nevertheless carried on without a break during the week, that is to say, day and night (particularly work at furnaces). The same is true of operations performed by services which depend on continuous work (on week-days and Sundays) and which must more or less keep up with it. This being the case, it is to be feared that a forty-hour week may not be sufficient. A forty-four or forty-five-hour week would certainly be more easy of adjustment, although even such hours of work are quite short

UNION OF SOUTH AFRICA

9 (i) Yes, as a general rule.

UNITED STATES OF AMERICA

9 (i) Yes This would be in keeping with the general forty-hour Draft Convention of 1935, and with the whole spirit of the proposed reform

(*Note* — In such a heavy, fatiguing industry as iron and steel, it might be suggested that a limit lower than forty hours could properly be applied, if the lighter industries are to be limited to forty hours At the present time, however, such a proposal seems impracticable)

(ii) As the preceding question was answered in the affirmative, the question is not applicable

10. (i) **Do you consider that in the case of persons who work in successive shifts at continuous processes required by the nature of the process to be carried on without a break at any time of the day, night or week, the Draft Convention should fix the limit of hours of work at forty-two per week ?** (*Art. 2, par 2*)

(ii) **If the reply to (i) is in the negative, what other limit do you propose ?**

11. (i) **Do you consider that the competent authority in each country should determine what are the continuous processes referred to in Question 10 in respect of which the forty-two-hour week should apply ?** (*Art 2, par 2*)

(ii) **If the reply to (i) is in the negative, what processes do you consider should be specified in the Draft Convention as continuous processes for this purpose ?**

12. Do you consider that the competent authority should be required to consult with the employers' and workers' organisations concerned, where such exist, before determining what are continuous processes ?

BELGIUM

10 (i) The reply is in the affirmative
11 (i) The reply is in the affirmative
12 The reply is in the affirmative

BRAZIL

10 (i) The reply is in the affirmative
11 No reply
12 The reply is in the affirmative.

CANADA

Province of Manitoba

10 (i) The reply is in the affirmative

11. (i) The reply is in the affirmative

12 The reply is in the affirmative

CHILE

10 (i) The reply is in the affirmative

11 (i) Yes, after consultation with the employers' and workers' organisations concerned

12 The reply is in the affirmative

FINLAND

10 (i) and (ii) See reply to Question 1

11 (i) The reply is in the affirmative

12 The reply is in the affirmative

FRANCE

10 (i) and (ii) The Washington Convention on the eight-hour day provides that the limit of hours of work may be exceeded in the case of processes which are required to be carried on continuously by a succession of shifts, subject to the condition that the working hours shall not exceed fifty-six in the week on the average A similar provision might be included in the present Convention, the maximum of fifty-six hours being, of course, reduced It might be fixed at forty-two hours

11 (i) The reply is in the affirmative In order, however, to make it clear that the expression "continuous processes" should not be applied to processes which, though they are carried on day and night, are nevertheless interrupted at the end of a week, the word "necessarily" should be inserted in the definition of continuous processes as follows "Persons who work in successive shifts at processes necessarily required by the nature of the process to be carried on without a break at any time of the day, night or week" It is pointed out that this stipulation is laid down in the Draft Convention concerning automatic sheet-glass works which applies to persons working in ' necessarily continuous operations "

12 The reply is in the affirmative

ITALY

10, 11 and 12 In the case of persons employed on necessarily continuous processes, the Government is of opinion that the weekly limit of forty hours might be raised to forty-two hours, it being left to the competent authority to determine after consultation with the employers' and workers' organisations concerned what processes are to be regarded as continuous for this purpose

NORWAY

10. Yes. Forty-two hours
11 (i) The reply is in the affirmative
12 See reply to Question 4 (ii)

POLAND

10. (i) The reply is in the affirmative
11 (i) The reply is in the affirmative
12. (See footnote on p 27.)

SPAIN

10 The latitude indicated in the question should be allowed.
11 The competent authority should determine what are the characteristics constituting continuous processes
12 The reply is in the affirmative

SWITZERLAND

10 A forty-two-hour week for services engaged in continuous work would probably necessitate four shifts of six hours each This arrangement would be practicable in itself, but as a number of continuous undertakings still work fifty-six hours a week on an average, the magnitude of the change would be so considerable as to give rise to difficulties, particularly in regard to the adjustment of wages The difficulties would be easier to overcome should a less thorough-going reduction be adopted, as for instance, a forty-eight-hour week

11 and 12 The determination of what are the processes in question should be left to national laws or regulations The Government agrees as regards consultation with the organisations of employers and workers concerned

UNION OF SOUTH AFRICA

10 (i) The reply is in the affirmative
11 (i) The reply is in the affirmative
12 No, see reply to Question 4 (ii)

UNITED STATES OF AMERICA

10 (i) The argument in favour of permitting a forty-two-hour week for persons engaged in absolutely continuous processes is that a forty-two-hour schedule is better fitted to a distribution of work in such processes For instance, the forty-two-hour week would fit in well with a four-shift, six-hour day, seven-day-week schedule This, however, does not seem to justify raising the limit to forty-two hours, as the desired object could be obtained by the provision of adequate relief shifts In general, the principle should be observed that, while certain processes may necessarily be continuous, the employment of an individual should not be continuous, and a seven-day week should be discouraged Also, any exception to the forty-

hour limit in the case of individuals would greatly increase the difficulty of enforcement

(ii) The limit should be forty hours per week in continuous as well as non-continuous operations

11 (i) As the forty-two-hour limit is opposed, this enquiry does not apply

(ii) As the forty-two-hour limit is opposed, this question does not apply

12 As the forty-two-hour week is opposed, this enquiry does not apply

13. Do you consider that the Draft Convention should permit of the limit of hours of work being applied as an average calculated over a period longer than one week ?

Please reply separately as regards :

(*a*) workers on non-continuous processes (40-hour limit) ; *(Art 2, par 1)*

(*b*) workers on continuous processes (42-hour limit). *(Art. 2, par. 2)*

14. (i) **If averaging over a period of weeks is permitted, do you consider that the number of weeks over which the calculation may be made should be determined by the competent authority in each country ?** *(Art 2, par 3)*

(ii) **If the reply to** (i) **is in the affirmative, do you consider that the competent authority should consult with the employers' and workers' organisations concerned, where such exist, before determining the number of weeks over which the calculation may be made ?** *(Art 2, par. 3)*

(iii) **If the reply to** (i) **is in the negative, what number of weeks do you consider should be laid down in the Draft Convention ?**

15. (i) **Do you consider that, whatever the number of weeks prescribed for the calculation of the average, the Draft Convention should fix a special limit to the number of hours to be worked in any week ?** *(Art 3, par 1)*

(ii) **Do you consider that this special limit should be forty-eight hours per week ?** *(Art 3, par 1)*

16. (i) **Do you consider that the competent authority should be given power to approve, in exceptional cases, arrangements of hours of work involving a weekly limit higher than this special limit ?** *(Art 3, par. 3)*

(ii) Do you consider that before the competent authority approves such an arrangement of hours it should be required to consult with the employers' and workers' organisations concerned ? *(Art. 3, par 3)*

(iii) Are there any other conditions or restrictions that you consider should apply to the approval of such an arrangement of hours (e.g. restriction to workers on continuous processes, fixing of an over-riding maximum) ?

BELGIUM

13 (*a*) and (*b*) The reply is in the affirmative
14 (i) The reply is in the negative
(iii) Three weeks
15 (i) and (ii) The reply is in the affirmative
16 (i) The reply is in the negative
(iii) The reply is in the negative

BRAZIL

13 The reply is in the negative
14 (i), (ii) and (iii) The question falls
15 (i) and (ii) The reply is in the affirmative
16 (i) Yes, in exceptional cases
(ii) Yes, the views of the industrial associations, in their capacity of consultative bodies, might be ascertained
(iii) Yes, those calculated to ensure that the proposed Draft Convention will be fully applied

CANADA

Province of Manitoba

13 The reply is in the negative
(*a*) and (*b*) The reply is in the negative
14 (i) and (ii) The reply is in the affirmative
15 (i) and (ii) The reply is in the affirmative.
16 (i) and (ii) The reply is in the affirmative
(iii) The reply is in the negative

CHILE

13 Yes, exceptionally
(*a*) As a general rule, no
(*b*) The reply is in the affirmative
14 (i) and (ii) The reply is in the affirmative
15 (i) and (ii) The reply is in the affirmative
16 (i) and (ii) The reply is in the affirmative
(iii) Yes, the approval should be given only where workers on continuous processes are concerned and subject to the limitation of a maximum number of hours of overtime Moreover, other suitable restrictions might be laid down

Finland

13 (*a*) and (*b*) The replies are in the affirmative

14 (i) and (ii) The replies are in the affirmative

15 (i) and (ii) The replies are in the affirmative subject to exceptions

16 (i) and (ii) The replies are in the affirmative

(iii) The reply is in the negative

France

13 (*a*) and (*b*) The Government considers that the forty-hour week should be adopted as the general rule This limit should not be an average but should be an absolute limit Averaging should be allowed only by way of exception for classes of establishments or works in which work has to be carried on for a period exceeding the daily or weekly limit fixed

14 (i) The Government considers that if averaging of hours of work over a period is permitted the number of weeks in this period should be laid down by the Draft Convention

(iii) The Government considers that the number of weeks should be fixed at four

15 (i) and (ii) The reply is in the affirmative

16 (i), (ii) and (iii) The replies are in the affirmative

Italy

13, 14 and 15 The Government considers that the competent authority in each country should be authorised to allow, after consultation with the employers' and workers' organisations concerned, the calculation of hours of work as an average over a fixed number of weeks both in the case of continuous processes and in the case of processes not considered to be continuous It should also fix by the same procedure the maximum number of hours to be worked in each week of the period over which the calculation is made

16 The Government considers that in exceptional cases and after consultation with the organisations concerned the competent authority in each country should have power to approve an arrangement of hours involving a weekly limit higher than the special limit in question

Norway

13 (*a*) The reply is in the negative

(*b*) The reply is in the affirmative

(14) (i) The reply is in the affirmative

(ii) The competent authority should consult with the workers or their organisations if any

15 It seems most practical not to fix any limit in the Draft Convention

16 See reply to Question 14

Poland

13 (a) The reply is in the affirmative
(b) The reply is in the affirmative

14 (i) The reply is in the affirmative
(ii) (See footnote on p 27)

15 (i) The reply is in the affirmative.
(ii) The reply is in the affirmative

16 (i) The competent authority should be given the power to approve arrangements of hours of work involving a weekly limit higher than the limit of forty-eight hours for certain groups of specialist workers, whose weekly hours of work might be raised to fifty-six hours
(ii) (See footnote on p 27)
(iii) No reply is given

Spain

13. The reckoning of hours of work as an average over a period of more than one week should be permitted in both cases

14 (i) and (ii) The number of weeks in the averaging period should be fixed by the competent national authority after consultation with the organisations concerned

15 (i) A maximum number of hours of work should be fixed for each week of the period, the average over the period being that prescribed by the Draft Convention
(ii) The normal limit might be forty-eight hours a week

16 (i) The possibility of exceeding the limit fixed should be permitted, but only in exceptional cases where excess hours are permitted under the national legislation on hours of work and provided that the maximum prescribed by law is not exceeded
(ii) The competent authority should consult the organisations concerned

Switzerland

13. It should in all cases be permissible to calculate the hours of work as an average over a period longer than one week

14 The number of weeks in the period should be left to be fixed by national laws or regulations, which should provide for consultation with the employers' and workers' organisations

15 and 16 A maximum of forty-eight hours of work in any of the weeks over which an average of forty or forty-two hours would be calculated might perhaps be sufficient, it would, however, be well to provide for exceptions, subject to certain guarantees and the requirement of obtaining authorisation The Government considers that the regulation of all these matters of detail should be left to be dealt with by national laws and regulations and that, consequently, a maximum limit of forty-eight hours a week should not be fixed in the Convention.

Union of South Africa

13 (*a*) and (*b*) Yes, but the calculation should not be averaged over a period longer than three weeks

14 (i) Yes, provided that such period is not in any case longer than three weeks

(ii) No, see reply to Question 4 (ii)

15 (i) and (ii) The reply is in the affirmative

16 (i) The reply is in the affirmative

(ii) No; see reply to Question 4 (ii)

(iii) Provision should be made for the competent authority to make further conditions or restrictions at its discretion

United States of America

13 Experience in the United States under the N R A codes showed that the practice of averaging is easily abused, and may destroy all the benefits to be expected from a forty-hour week The longer the period of averaging, the greater the danger of abuse. Therefore, if averaging is permitted the averaging period should be very short, certainly not more than four weeks This is sufficiently long to meet the adjustments in working time considered desirable in the normal operation of a plant It is not long enough, and should not be long enough, to take care of major seasonal changes in demand Such seasonal changes should be taken care of by the provision (see Question 25 below) for a certain number of hours of overtime each year, *with pay at overtime rates*

(*Note* — In early N R A codes provisions were approved permitting the averaging of hours over periods of as long as six months to a year Widespread abuses developed and the purposes of the codes were defeated For example, a man might be employed for the maximum number of hours within a short, busy season and then be laid off, or an employee might be required to work extra time in a rush period, thus making it unnecessary to employ extra help and keeping the volume of employment at a minimum Influenced by such experiences, the N R A moved to secure safeguards against abuses by prescribing an upper limit beyond which no employee might work in a day or week regardless of the averaging provisions There was also a tendency to shorten the averaging period to four to six weeks Finally, in July 1934, an administrative order was issued declaring that averaging provisions would no longer be written into codes, but that flexibility would be made possible, where necessary because of seasonal or other needs, by providing a daily or weekly "tolerance" in hours for a given number of days or weeks in the year with *provisions* for *overtime pay* for the hours of tolerance It was added that where a specific tolerance would not be sufficient (emergency work) unlimited hours would be permitted but with overtime pay. This system was applied in a number of codes but in none involving major industries)

14 (i), (ii) and (iii) For the reasons stated in the answer to Question 13, the period of averaging, if averaging is allowed at all, should be laid down in the Draft Convention, and the period should be short, certainly not more than four weeks The competent authority should not approve any period of averaging (not in excess of four weeks) which is longer than that permitted in collective agreements entered into by employers and employees, and affecting one-half or more of the workers involved in the industry

15 (i) and (ii) Yes The maximum limit should be forty-eight hours per week.

16 (i), (ii) and (iii) No There should be no extension beyond forty-eight hours per week without overtime pay, as noted in the answer to Question 25

(*Note.* — If by "exceptional cases" is meant particular plants, to make exceptions in individual cases would lead to abuses, render enforcement extremely difficult, and defeat the principal object of the forty-hour Convention, which is to increase employment)

(b) *Daily Limit*

17. (i) Do your consider it desirable that. in addition to the weekly limit. the Draft Convention should fix a daily limit of hours of work ? (*Art 3, par 1*)

(ii) Do you consider that this daily limit should be eight hours per day ? (*Art 3, par 1*)

Belgium

17 (i) and (ii) The reply is in the affirmative

Brazil

17 (i) The reply is in the affirmative
(ii) The Draft Convention should be wide enough to cover any adjustments in regard to hours of work to meet the requirements of the industry

Canada

Province of Manitoba

17 (i) and (ii) The reply is in the affirmative

Chile

17 (i) and (ii) The reply is in the affirmative

Finland

17 (i) The technical nature of the work does not always permit of a daily limit
(ii) As far as possible a daily limit of eight hours should be observed

France

17 (i) and (ii) The Government considers that it is necessary to include in the Draft Convention a daily limit of hours of work This limit might be eight hours a day

ITALY

17 The Government considers it expedient that the Draft Convention should fix eight hours as the daily limit of hours of work

NORWAY

17 Yes, eight hours

POLAND

17. (i) The reply is in the affirmative
(ii) The reply is in the affirmative

SPAIN

17 (i) The Draft Convention should fix a daily limit
(ii) The daily limit might be eight hours

SWITZERLAND

17 If a daily limit is considered necessary, it should be fixed not at eight but at nine hours, so as to allow sufficient scope in unusual cases.

UNION OF SOUTH AFRICA

17 (i) and (ii) The reply is in the affirmative

UNITED STATES OF AMERICA

17 (i) and (ii) Yes There should be fixed a daily limit in the Draft Convention itself and this limit should be eight hours

18. (i) Do you consider that it should be permissible, provided the weekly limit is respected, for the daily limit to be exceeded ? (*Art 3, par 2*)

(ii) Do you consider that the amount by which the daily limit may be exceeded should be restricted, as a general rule, to one hour ? (*Art 3, par 2*)

(iii) Do you consider that the working of hours in excess of the daily limit should be conditional on either (*a*) the sanction of the competent authority, or (*b*) agreement between employers' and workers' representatives ? (*Art 3, par 2*)

(iv) Are there any other conditions or restrictions that you consider should apply to the working of hours in excess of the daily limit ?

19. (i) Do you consider that the competent authority should be given power to approve, in exceptional cases, arrangements of hours involving a daily limit higher than would be permitted as indicated in Questions 17 and 18 ? *(Art 3, par 3)*

(ii) Do you consider that before the competent authority approves such an arrangement of hours it should be required to consult with the employers' and workers' organisations concerned ? *(Art 3, par. 3)*

(iii) Are there any other conditions or restrictions that you consider should apply to the approval of such an arrangement of hours (e.g. fixing of an over-riding maximum) ?

BELGIUM

18 (i) and (ii) The reply is in the affirmative
(iii) The working of hours in excess of the daily limit should be conditional on agreement between employers' and workers' representatives
(iv) The reply is in the negative
19 (i) The reply is in the negative
(iii) The reply is in the negative

BRAZIL

18 (i) The reply is in the affirmative
(ii) The Government considers that this limit might be fixed at two hours
(iii) (*a*) The reply is in the negative
(*b*) Yes, by previous agreement
(iv) That would depend upon climatic conditions and methods of work
19 (i) Yes, strictly in exceptional cases
(ii) Except where the interests of the public are concerned, the question of consulting the industrial associations should be left to the discretion of the competent authority
(iii) Where national interests are concerned

CANADA

Province of Manitoba

18 (i) The reply is the affirmative
(ii) The reply is in the negative
(iii) (*a*) The reply is in the affirmative
(iv) Yes, extra pay
19 (i) and (ii) The reply is in the affirmative
(iii) The reply is in the negative

Chile

18. (i) and (ii) The reply is in the affirmative
(iii) (*a*) and (*b*) The Convention should provide for both the conditions, but it would be sufficient to fulfil one of them to make the working of overtime valid
(iv) The reply is in the negative

19 (i) and (ii) The reply is in the affirmative
(iii) Yes, the fixing of a maximum number of hours of overtime and other suitable conditions or restrictions should be provided for

Finland

18 (i) The reply is in the affirmative
(ii) The reply is in the negative
(iii) (*a*) The reply is in the affirmative
(*b*) Advice of the organisations, but not agreement
(iv) This matter should be left to the competent authority in each country

19 (i) and (ii) The replies are in the affirmative
(iii) Should be left to the competent authority in each country

France

18 (i) to (iv) The Government considers that the Draft Convention might allow the daily limit to be exceeded provided that the weekly limit is respected The maximum excess over the daily limit might be fixed at one hour This should be subject to authorisation by the competent authority after consultation with representatives of the employers and workers concerned

19 (i) to (iii) The Government is not clear as to what would be the value in actual practice of this kind of "super-exception" In the event of it being allowed, the Government considers that this exceptional excess should be conditional on consultation with the employers' and workers' organisations concerned and that a maximum limit to the excess should be prescribed by the Draft Convention

Italy

18 Provided that the weekly limit is respected, the daily limit might be exceeded by one hour either by decision of the competent authority in each country or by agreement between representatives of the employers and workers

19 The Government considers that in exceptional cases and after consultation with the employers' and workers' organisations concerned the competent authority in each country should have power to approve an arrangement of hours of work involving a daily limit higher that that authorised as indicated in Questions 17 and 18

Norway

18 Yes, one hour conditional on agreement between employers and workers or their representatives

19 No more exceptions should be allowed

POLAND

18 (i) The reply is in the negative

19 (i) The reply is in the negative

SPAIN

18 (i) and (ii) It should be permissible for the daily limit to be exceeded provided that the weekly limit is respected The amount by which the daily limit may be exceeded should not be greater than that provided for by the national legislation in similar cases

(iii) and (iv) If extra time is to be worked, the conditions prescribed by the national legislation should be complied with

19 (i) The competent authority in each country should have power to approve, in exceptional cases similar to those for which provision is made under the national system of regulation of hours of work, a higher limit than that indicated in the preceding questions, provided that the maximum fixed by law is not exceeded

(ii) The competent authority should be required to consult the organisations concerned

SWITZERLAND

18 The reply is in the affirmative as regards the permission to exceed the daily limit as well as the maximum overtime As the daily limit could be exceeded only on condition that the weekly limit is respected, the requirement to obtain sanction need not be laid down Nothing stands in the way of agreement being reached between employers' and workers' associations, but the permission to work overtime should not be subjected to this condition, for industrial undertakings must have the requisite freedom of action

19 (i) and (ii) The reply is in the affirmative for the same reasons as those mentioned in the reply to Question 18

(iii) The reply is in the negative

UNION OF SOUTH AFRICA

18 (i) The reply is in the affirmative

(ii) The reply is in the negative

(iii) The working of hours in excess of the daily limit should be conditional on (*a*), viz the sanction of the competent authority.

(iv) Provision should be made in the Draft Convention for the competent authority to exceed the daily limit in undefined "exceptional circumstances"

19 (i) Yes, see reply to Question 18 (iv)

(ii) No, see reply to Question 4 (ii)

(iii) Provision should be made for the competent authority to make further conditions or restrictions at its discretion

UNITED STATES OF AMERICA

18 (i), (ii), (iii) and (iv) No exception to the eight-hour daily limit should be permitted, except with pay at overtime rates and with the restrictions upon the amount of permissible overtime stated in the answer to Question 25

19 (i), (ii) and (iii) There should be no exceptions to the eight-hour daily limit, except with extra overtime pay as explained in the answer to Question 25

EXCEPTIONS

20. (i) Do you consider that the Draft Convention should provide that the limits of hours prescribed may be exceeded:

(*a*) in the case of persons employed on preparatory or complementary work which must necessarily be carried on outside the limits laid down for the general working of the undertaking, branch of an undertaking or shift; (*Art. 4, par. 1*(a))

(*b*) in the case of persons employed in occupations which by their nature involve long periods of inaction during which the said persons have to display neither physical activity nor sustained attention or remain at their posts only to reply to possible calls? (*Art. 4, par. 1*(b))

(ii) Do you consider that in these cases the maximum number of hours that may be worked should be determined by regulations made by the competent authority in each country? (*Art. 4, par. 2*)

Belgium

20. (i) (*a*) The reply is in the affirmative.
(*b*) Special regulations would be necessary for these cases.
(ii) The reply is in the affirmative.

Brazil

20. (i) (*a*) and (*b*) The reply is in the affirmative.
(ii) The reply is in the affirmative.

Canada

Province of Manitoba

20. (i) (*a*) and (*b*) The reply is in the affirmative.
(ii) The reply is in the affirmative.

Chile

20. (i) (*a*) and (*b*) The reply is in the affirmative.
(ii) The reply is in the affirmative.

Finland

20. (i) and (ii) The replies are in the affirmative

France

20. (i) and (ii) The replies are in the affirmative.

Italy

20 The Government is of opinion that the Draft Convention should provide that the limits of hours of work prescribed may be exceeded in the case of persons employed as indicated in clauses (*a*) and (*b*) The competent authority should fix the maximum limit of hours that may be worked in this case

Norway

20 (i) (*a*) and (*b*) The reply is in the affirmative
(ii) The reply is in the affirmative

Poland

20 (i) (*a*) The reply is in the affirmative
(*b*) The reply is in the affirmative.
(ii) The reply is in the affirmative

Spain

20 (i) Provision should be made for the exceptions indicated
(ii) The regulations should fix the maximum number of hours in each case

Switzerland

20, 21 and 22 The reply is in the affirmative It is added, however, that industrial establishments should also be able to apply, individually, the provisions relating to exceptions, where necessary, on obtaining authorisation The words "regulations by the competent authority" would seem to apply only to branches of industry or classes of undertakings taken as a whole The limits desired could be enforced in this instance also by fixing a minimum rest period rather than the maximum number of hours that may be worked in exceptional cases

Union of South Africa

20 (i) (*a*) If the preparatory or complementary work is an integral part of the undertaking then the same conditions should apply as obtain in the case of the undertaking in question But if the work is such that it falls within the scope of another undertaking or industry, then the hours of work applicable in that industry should obtain

(*b*) This type of case should be provided for in the Article permitting the competent authority to grant exemption at its discretion — see reply to Question 21 below

(ii) Yes, provided the Draft Convention lays down that regulations may (not "should") be made by the competent authority

United States of America

20 (i) (*a*) Permission to exceed the limits of hours in the case of "preparatory or complementary" work should be allowed only if

it is demonstrated that such work exists in the iron and steel industry and cannot be taken care of by other means

(*b*) No The fact that a worker is "on the job" and is at the disposal of the employer is the only possible test The fact that he may be inactive part of the time does not justify extending his hours of work

(ii) If any such exceptions should be allowed, then the amount of excess time permitted in these cases might be left to the determination of the competent authority in each country But, as noted above, these exceptions, especially in the case of "inactive workers", are themselves undesirable

21. (i) **Do you consider that the Draft Convention should provide that the limits of hours prescribed may be exceeded to allow of the completion of an operation which lasts longer than the normal duration of a shift or cannot for technical reasons be interrupted at will and for which the presence of particular persons is necessary ?** (*Art. 4, par 1*(c))

(ii) **Do you consider that in such cases the maximum number of hours that may be worked should be determined by regulations made by the competent authority ?** (*Art 4, par 2*)

BELGIUM

21 (i) and (ii) The reply is in the affirmative

BRAZIL

21. (i) and (ii) The reply is in the affirmative

CANADA

Province of Manitoba

21 (i) and (ii) The reply is in the affirmative

CHILE

21 (i) and (ii) The reply is in the affirmative.

FINLAND

21. (i) and (ii) The replies are in the affirmative.

FRANCE

21 (i) and (ii) The reply is in the affirmative

Italy

21 The Draft Convention should provide that the prescribed limits of hours of work may be exceeded in accordance with regulations made by the competent authority in order to permit the completion of an operation which lasts longer than the normal duration of a shift or cannot for technical reasons be interrupted and for which the presence of particular persons is necessary

Norway

21. (i) Yes, in exceptional cases
(ii) The reply is in the affirmative.

Poland

21 (i) Yes In addition the Draft Convention should provide that the limits of hours prescribed may be exceeded to allow of the periodical change-over of shifts
(ii) The reply is in the affirmative

Spain

21 Provision should be made for the prescribed limits to be exceeded in the case mentioned in the question

Switzerland

21 See reply to question 20

Union of South Africa

21 Provision should be made for the competent authority to permit the prescribed limits of hours to be exceeded in exceptional cases, at its discretion Cases such as those specified would then be covered

United States of America

21 (i) and (ii) These special cases should be taken care of through the provision for overtime work, with extra pay, as described in the answer to Question 25

22. Do you consider that the Draft Convention should provide that the limits of hours prescribed may be exceeded, but only as far as may be necessary to avoid serious interference with the ordinary working of the undertaking :

(*a*) in case of accident, actual or threatened, or in case of urgent work to be done to machinery or plant or in case of *force majeure*, (*Art 5*(a))

(*b*) in order to make good the unforeseen absence of one or more members of a shift ? (*Art 5*(b))

BELGIUM

22 (*a*) and (*b*) The reply is in the affirmative

BRAZIL

22 (*a*) and (*b*) The reply is in the affirmative

CANADA

Province of Manitoba

22 (*a*) and (*b*) The reply is in the affirmative

CHILE

22 (*a*) and (*b*) The reply is in the affirmative

FINLAND

22 (*a*) and (*b*) The replies are in the affirmative

FRANCE

22 (*a*) and (*b*) The replies are in the affirmative

ITALY

22 The Draft Convention should provide that the limits of hours prescribed may be exceeded so far as may be necessary to avoid serious interference with the ordinary working of the undertaking (*a*) in case of imminent accident or in case of urgent work to be done to machinery or plant or in case of *force majeure*, (*b*) in order to make good the unforeseen absence of one or more members of a shift

NORWAY

22 Yes In the case mentioned in (*b*) overtime pay should be granted

Poland

22 (*a*) The reply is in the affirmative
(*b*) The reply is in the negative

Spain

22 The possibility of hours in excess of the prescribed limits being worked in the cases mentioned in the question might be admitted, provided that the maximum hours prescribed for exceptional cases were not exceeded and that appropriate compensation were accorded to the persons thus working hours in excess of the prescribed limits

Switzerland

22 See reply to Question 20

Union of South Africa

22 (*a*) See reply to Question 21
(*b*) The right to impose restrictions should be left to the competent authority

United States of America

22 (*a*) and (*b*) In all cases of acute emergency, such as those listed under (*a*) and (*b*), the management should have the right to work the necessary number of hours to meet the emergency Such excess hours should be paid for at overtime rates but not regarded as part of the overtime allowed as described in the answer to Question 25

OVERTIME

23. Do you consider that the Draft Convention should make provision for allowances of overtime for exceptional cases of pressure of work ? (*Art 6, par. 1*)

24. (i) Do you consider that an allowance of overtime should be granted under regulations made by the competent authority in each country ? (*Art 6, par 1*)

(ii) Should the competent authority be required to consult the employers' and workers' organisations concerned, where such exist, before granting an allowance of overtime ?

(*Art 6, par 1*)

25. (i) Should the Draft Convention impose any restriction upon the amount of an allowance of overtime ? (*Art 6, par 1*)

(ii) In which of the following ways do you consider that this restriction should be imposed:

(*a*) in respect of the individual workers; or

(*b*) in respect of the staff as a whole? (*Art 6, par. 1*)

In either case, please indicate what you consider the maximum number of hours of overtime should be.

BELGIUM

23 The reply is in the affirmative

24 (i) The reply is in the negative
(ii) The reply is in the affirmative

25 (i) The reply is in the affirmative.
(ii) The number of hours of overtime granted in exceptional cases of pressure of work should not exceed fifty hours a year for each member of the staff

BRAZIL

23 The reply is in the affirmative.

24 (i) and (ii) The reply is in the affirmative

25 (i) The reply is in the affirmative
(ii) (*a*) The reply is in the affirmative
(*b*) The reply is in the negative.

CANADA

Province of Manitoba

23 The reply is in the affirmative

24. (i) and (ii) The reply is in the affirmative

25 (i) The reply is in the affirmative.
(ii) (*a*) The reply is in the affirmative.
(*b*) The reply is in the negative.

Not more than three hours in any one day or six hours in any one week.

CHILE

23 The reply is in the affirmative.

24 (i) and (ii) The reply is in the affirmative

25 (i) The reply is in the affirmative.
(ii (*a*) The reply is in the affirmative.
(*b*) The reply is in the negative
The maximum number of hours of overtime should be two a day

FINLAND

23 The reply is in the affirmative.

24 (i) and (ii) The replies are in the affirmative.

25 (i) The reply is in the negative It should be left to each country to fix the amount of an allowance
(ii) (*a*) The reply is in the affirmative
(*b*) The reply is in the negative

France

23 The reply is in the affirmative These overtime allowances, however, should not apply to persons engaged on continuous processes

24 (i) and (ii) The Government considers that the competent authority should be authorised to grant an allowance of overtime not exceeding a maximum to be fixed by the Draft Convention Before granting an allowance of overtime to any industry the competent authority should be required to consult the employers' and workers' organisations concerned

25. (i) The reply is in the affirmative

(ii) The maximum number of hours of overtime should be fixed for the staff as a whole, it being made permissible, however, to apply it separately to each distinct part of the establishment The maximum might be fixed at sixty hours It would also be desirable to provide that the hours of overtime might be subdivided, any fraction less than half an hour being reckoned, however, as a half-hour The number of hours of overtime should not exceed two a day.

Italy

23, 24 and 25 The Government considers that the Draft Convention should make provision for the grant of allowances of overtime to meet cases of exceptional pressure of work, the number of hours of overtime to be worked by each worker individually being left to be determined by the competent authority

Norway

23 Yes, in the case of unforeseen pressure of work

24 The reply is in the affirmative

25 Yes In respect of the individual worker Two hundred hours in one year

Poland

23 The reply is in the affirmative

24 (i) The reply is in the affirmative

(ii) (See footnote on p 27)

25 (i) The reply is in the affirmative

(ii) A hundred hours a year and four hours a day for each worker individually

Spain

23 The Draft Convention might provide for allowances of overtime to be granted for the purpose indicated when the nature of the work and the organisation of the undertaking does not permit of coping with exceptional pressure of work by engaging extra staff

24 (i) The reply is in the affirmative

(ii) The competent authority should consult the organisations concerned beforehand whenever that is possible

25 (i) and (ii) The Draft Convention should impose a restriction on the number of hours of overtime, both in respect of the individual workers and in respect of the staff as a whole

The maximum should be two hours a day or twelve hours a week

Switzerland

23 and 24 The reply to the two questions is in the affirmative

25 It would seem desirable to fix a limit The Government is of the opinion that it should be in respect of the individual worker and might be fixed at one hundred hours a year

Union of South Africa

23 The reply is in the affirmative

24 (i) The reply is in the affirmative

(ii) No, see reply to Question 4 (ii)

25 (i) No, this should be left to the discretion of the competent authority

United States of America

23 Yes A certain amount of overtime is necessary and desirable to permit establishments to meet seasonal and other special demands

24 (i) and (ii) The maximum amount of permissible overtime should be fixed in the Draft Convention, but the regulations regarding the details of its granting could properly be left to the competent authority of each country, after consultation with the appropriate organisations of employers and workers No allowances should be made which permit more overtime than is allowed in collective agreements entered into by employers and employees and affecting one-half or more of the workers involved in the industry

25 (i) and (ii) The amount of the allowances of overtime should be restricted in the Draft Convention This restriction should be in respect to the individual worker, i e no individual worker should be allowed to work more overtime hours than the number set in the Draft Convention

The restriction on overtime should not be greater than one hundred hours per year This would mean each individual might work as much as one hundred overtime hours per year (equivalent to twelve and a half full eight-hour days) and this should be sufficient to take care of the legitimate requirements of an establishment for flexibility

The fixing of overtime in respect to "the staff as a whole" is strongly opposed It would mean that individual workers might be employed overtime for indefinite periods Thus a plant with fifty workers, if allowed overtime of one hundred hours a year, would have a total fund of five thousand hours, which could be divided among ten employees for a total of five hundred hours each

(An alternative suggestion is that the permitted overtime apply to plant operation Thus if the plant operated two hours' overtime for fifty days a year, it would exhaust its permitted hundred hours, irrespective of the number of persons actually working overtime)

26. (i) Do you consider that the Draft Convention should provide for the grant to individual undertakings by the competent authority in each country of temporary permits for further overtime in cases of urgency ? (*Art 6, par 2*)

(ii) Do you consider that the grant of such permits should be restricted to cases in which the competent authority is satisfied of the impracticability of engaging additional persons ? (*Art 6, par. 2*)

(iii) Should such permits be granted only in respect of specified persons or classes of persons ? (*Art 6, par 2*)

(iv) Should the Draft Convention impose a restriction on the amount of overtime to be worked by any person in virtue of a permit, and, if so, what maximum number of hours do you suggest ? (*Art 6, par 2*)

BELGIUM

26 (i), (ii) and (iii) The reply is in the affirmative
(iv) Yes, fifty hours

BRAZIL

26 (i) Yes The urgency of the work may be such that the employer may not be able on occasion to get a permit at once
(ii) No Greater freedom should be allowed in cases of urgency
(iii) The Government considers that in all cases permits should be granted only in respect of each worker individually
(iv) The Government is of opinion that the urgency of the work goes against the fixing of a maximum

CANADA

Province of Manitoba

26 (i) and (ii) The reply is in the affirmative
(iii) The reply is in the negative
(iv) Three hours in any one day and six hours in any one week

CHILE

26 (i), (ii) and (iii) The reply is in the affirmative
(iv) Yes, two hours of overtime a day

FINLAND

26 (i) and (ii) The replies are in the affirmative
(iii) The permits should be granted only in respect of specified persons

(iv) The Draft Convention might, in principle, also provide for restrictions on the amount of overtime to be worked by any person It should, however, be left to the competent authority in each country to determine in each case the total number of hours' overtime

FRANCE

26 (i) to (iv) The reply is in the negative

ITALY

26 The Draft Convention should provide for the grant to undertakings in cases of urgency of permits for overtime whenever it is not possible to meet the situation by engaging additional staff

NORWAY

26 Yes, in respect of specified persons

POLAND

26 (i) The reply is in the affirmative
(ii) The reply is in the affirmative
(iii) The reply is in the affirmative
(iv) Sixty hours

SPAIN

26 (i), (ii) and (iii) Provision should be made to allow of this, subject to prior consultation with the organisations concerned
(iv) The number of hours of overtime permitted should be limited, as already suggested, to two hours a day or twelve hours a week

SWITZERLAND

26 The Government considers it necessary that provision should be made for the grant of temporary permits for further overtime to particular undertakings in respect of specified persons or classes of persons Before granting such permits the competent authority should obviously consider whether it is possible to engage additional persons This should not, however, be imposed as a strict requirement, but only as an urgent recommendation It would be advisable to restrict the number of hours in this instance also, and the maximum might be fixed at sixty hours a year for each person

UNION OF SOUTH AFRICA

26 (i) and (ii) The reply is in the affirmative.
(iii) and (iv) No, this should be left to the discretion of the competent authority

UNITED STATES OF AMERICA

26 (i), (ii), (iii) and (iv) There should be no extension of permissible overtime beyond the limit provided for in the answer to Question 25 The extension here suggested in cases of "urgency" is most unwise as no satisfactory distinction can be drawn between the phrase 'exceptional cases of pressure of work" in Question 23 and the term 'urgency" in the present question

27. Do you consider that overtime should be allowed otherwise than as indicated in Questions 23 to 26 ?

If so, please indicate in what cases and subject to what conditions and restrictions.

BELGIUM

27. The reply is in the negative

BRAZIL

27 Yes In cases of unforeseen pressure of work and of *force majeure*

CANADA

Province of Manitoba

27. The reply is in the negative

CHILE

27. The reply is in the negative

FINLAND

27 National laws and regulations should determine in what cases and subject to what conditions overtime should be allowed

FRANCE

27 Exceptions might be allowed in the case of works carried out for the purposes of national defence or for a public service at the order of the Government

ITALY

27 The Government considers that in any case in which it allows overtime the competent authority should consult with the employers' and workers' organisations concerned

NORWAY

27. The reply is in the negative.

POLAND

27 The reply is in the negative

SPAIN

27 The reply is in the negative

SWITZERLAND

27 No suggestions

UNION OF SOUTH AFRICA

27 The reply is in the negative.

UNITED STATES OF AMERICA

27 Overtime should not be allowed otherwise than as indicated in the answers to Questions 23 to 26

OVERTIME PAY

28. (i) Do you consider that the Draft Convention should provide for payment at an increased rate for overtime worked in exceptional cases of pressure of work (Questions 23 to 26) ? *(Art 6, par 3)*

(ii) Do you consider that the Draft Convention should provide for payment at an increased rate for extra hours worked in any other cases, and, if so, in which cases ?

29. (i) Do you consider that the minimum rate of increase in pay should be laid down in the Draft Convention ? *(Art 6, par 3)*

(ii) If so, do you consider that the Draft Convention should lay down :

(*a*) a uniform minimum rate irrespective of when the extra hours are worked ; or *(Art 6, par 3)*

(*b*) differential minimum rates according to whether the extra hours are worked during the day or the night, on Sunday or on legal public holidays ?

Please indicate in either case the minimum rate or rates you suggest.

BELGIUM

28 (i) The reply is in the affirmative
(ii) The reply is in the negative
29 (i) The reply is in the affirmative
(ii) The text of Article 6, paragraph 3, appears satisfactory This text is as follows Overtime authorised under this Article (exceptional cases of pressure of work) shall be remunerated at not less than one and a quarter times the normal rate

BRAZIL

28 (i) The reply is in the affirmative

(ii) In all cases of exceptions to the general limits to daily and weekly hours of work

29 (i) The reply is in the affirmative

(ii) (*a*) The reply is in the negative

(*b*) The reply is in the affirmative

CANADA

Province of Manitoba

28 (i) The reply is in the affirmative

(ii) Yes, in all cases

29 (i) The reply is in the affirmative

(ii) (*a*) The reply is in the negative

(*b*) The reply is in the affirmative

At least time and one-quarter for all overtime

CHILE

28 The reply is in the affirmative

(ii) Yes, in all cases in which the working of hours in excess of the weekly limit would be permitted under the Draft Convention, with the exception, however, of those mentioned in paragraph (*a*) of Question 22

29 (i) The reply is in the affirmative

(ii) (*a*) and (*b*) The Draft Convention should lay down that the rate of payment for overtime shall be at least 50 per cent above the normal rate It could be added that the minimum rate of increase shall be raised in the same proportion as that fixed by national laws and regulations for extra hours worked during the night, on Sundays or on public holidays

FINLAND

28 (i) and (ii) The replies are in the affirmative

29 (i) The reply is in the affirmative

(ii) The details should be left to the national laws and regulations of each country The general principle in Finnish legislation is that the wage rate is doubled for overtime worked on Sunday.

FRANCE

28 (i) The reply is in the affirmative

(ii) It would seem preferable to leave the matter to be dealt with in accordance with custom or agreements between the employers' and workers' organisations concerned

29 (i) The Draft Convention should do no more than fix a minimum which might be that prescribed by the Washington Eight-Hour Day Convention

(ii) The Government considers that different minima should be fixed according to whether the overtime is worked during the day or

the night, a distinction being made between working days and Sundays, and public holidays For example,

Overtime worked during the day	
Working days	25 per cent
Sundays and public holidays	50 per cent
Overtime worked at night	
Working days	50 per cent
Sundays and public holidays	75 per cent

ITALY

28 and 29 The Government considers that the Draft Convention should provide for payment at an increased rate for overtime The increase should be at least 25 per cent and might be higher for work executed at night or on Sundays or legal public holidays

NORWAY

28 The reply is in the affirmative

29 (i) Yes, a minimum rate of twenty-five per cent
(ii) (*b*) The reply is in the negative

POLAND

28 (i) The reply is in the affirmative
(ii) The reply is in the negative

29 (i) The reply is in the affirmative
(ii) (*a*) The reply is in the negative
(*b*) Twenty-five per cent for the first two hours, fifty per cent for subsequent hours and for overtime worked at night, on Sundays and on legal public holidays

SPAIN

28 The reply is in the affirmative, in conformity with the provisions of the national legislation

29 The Draft Convention should confine itself to stipulating that there should be payment at an increased rate, the amount of the increase being left to be fixed by national laws or regulations

SWITZERLAND

28 and 29 The Convention should lay down the principle of an increase of 25 per cent in the rate of wages for overtime, but any further application of the principle should be left to the national laws or regulations The Government considers that payment at an increased rate should be stipulated only in case of exceptional pressure of work

UNION OF SOUTH AFRICA

28 (i) The reply is in the affirmative
(ii) Provision should be made in the Draft Convention for the competent authority to provide for an increased rate for extra hours in such cases as it considers necessary

29 (i) and (ii) Yes, this minimum rate should be time and a quarter

UNITED STATES OF AMERICA

28 (i) and (ii) Yes. All overtime should be paid for at an increased rate

29 (i) The reply is in the affirmative
(ii) The rate should be uniform The suggested overtime rate is one and a half times the regular rate

(*Note* — The overtime rate of pay fixed in the Convention presented to the 1935 Conference was one and a quarter times the regular hourly pay This is lower than the customary rate in the United States, which is usually either one and a third or one and a half. In N R A codes, the one and a half practice was slightly more frequent than the one and a third A system of differential overtime pay for Sundays, etc, is theoretically desirable, but practically difficult)

MEASURES FOR ENFORCEMENT AND SUPERVISION

30. (i) **Do you consider it desirable that the Draft Convention should specify certain obligations with which employers should be required to comply in order to facilitate the effective enforcement of its provisions ?** (*Art 7*)

(ii) **Do you consider that these obligations should be :**

(*a*) **the posting of notices giving details of the hours of work in operation, rest periods and the arrangements made in cases where hours of work are calculated as an average ;** (*Art 7*(a))

(*b*) **the keeping of a record of all additional hours worked and of the payments made in respect thereof ?** (*Art. 7*(b))

31. (i) **Do you consider it desirable that the Draft Convention should specify certain points on which full information is to be given in the annual reports on the application of the Convention to be furnished by Members ?** (*Art 8*)

(ii) **If the reply is in the affirmative, what do you consider these points should be ?** (*Art 8*(*a*) *to* (d))

BELGIUM

30 (i) The reply is in the affirmative
(ii) (*a*) and (*b*) The reply is in the affirmative

31. (i) The reply is in the affirmative
(ii) The text of Article 8 of the proposed Draft Convention appears satisfactory This Article reads as follows The annual reports submitted by Members upon the application of this Convention shall include more particularly full information concerning
(*a*) Processes classed as necessarily continuous in character for the purpose of Article 2, paragraph 2
(*b*) Arrangements of hours of work approved in virtue of Article 2, paragraph 3, or of Article 3, paragraph 3 (*Note.* — This concerns the distribution of hours over a number of weeks)
(*c*) Regulations made in virtue of Article 4 (*Note* — This concerns preparatory or complementary work, occupations involving periods of inaction, completion of operations which cannot be interrupted)
(*d*) Allowances of and temporary permits for overtime granted in virtue of Article 6 (*Note* — This concerns exceptional cases of pressure of work)

BRAZIL

30 (i) The reply is in the affirmative
(ii) (*a*) and (*b*) The reply is in the affirmative

31 (i) The reply is in the affirmative
(ii) Those that are stated in Article 8 of the Draft Convention of 1935

CANADA

Province of Manitoba

30 (i) The reply is in the affirmative
(ii) (*a*) and (*b*) The reply is in the affirmative

31. (i) The reply is in the affirmative.
(ii) All hours worked and wages paid

CHILE

30 (i) The reply is in the affirmative
(ii) (*a*) and (*b*) The reply is in the affirmative

31 (i) The reply is in the affirmative
(ii) Points similar to those specified in Article 7 of the Washington Convention on the hours of work in industrial undertakings

FINLAND

30 The reply is in the affirmative

31 The reply is in the negative

FRANCE

30 (i) and (ii) The reply is in the affirmative

31 (i) The reply is in the affirmative
(ii) The Government considers that the annual reports furnished in accordance with Article 408 of the Treaty of Versailles should

include all necessary information on the measures taken to regulate hours of work in accordance with the Draft Convention and on the results obtained The following points might be specified in the Draft Convention the interpretation given to the word "mainly" in the definition of the scope of the regulations and, where necessary, the definition of the line separating works and branches of works subject to the Convention and those not subject; processes considered to be necessarily continuous, classes of persons excluded from the scope of the Draft Convention in cases in which the Convention itself does not give a precise definition, arrangements of hours of work approved; regulations providing for permanent exceptions, allowances of overtime granted, offences reported.

Italy

30 In order to facilitate the enforcement of these provisions the Draft Convention should specify that every employer should be required to post notices giving details of the hours of work and, when work is carried on by shifts, the rotation time-table, and a description of the system of rotation, the arrangements made in cases where the average duration of the working week is calculated over a number of weeks, rest periods which are not considered as part of the working hours In addition, the Draft Convention should provide that employers should be required to keep a record in a form prescribed by the competent authority of additional hours worked and of the amount paid in respect thereof

31 The Government considers it desirable that the Draft Convention should specify certain points on which the States Members should be required to furnish complete information in their annual reports on the application of the Convention The provisions of Article 8 of the proposed Draft Convention considered at the Nineteenth Session of the Conference might be adopted in this matter

Norway

30 The reply is in the affirmative

31 Yes The report should contain information on the decisions taken by the competent authorities in conformity with the regulations laid down in the Convention

Poland

30 (i) The reply is in the affirmative
(ii) The reply is in the affirmative

31. (i) The reply is in the negative

Spain

30 The Government agrees with the obligations specified in the question

31 The Draft Convention might specify certain points, for example, the class of undertakings to which it is applied and the cases in which it has been found necessary to have recourse to exceptional extensions of hours of work

SWITZERLAND

30 (i) It is necessary to include provisions dealing with enforcement

(ii) (*a*) The Government agrees as regards the posting of notices giving details of the hours of work in operation, rest periods and the arrangements made in cases where hours of work are calculated as an average.

(*b*) The keeping of a record of all additional hours worked and of the payments made in respect thereof seems equally necessary.

Further, it would be desirable to require the employer to show explicitly the normal hours worked in the account delivered to the worker on pay-day.

31. No observations

UNION OF SOUTH AFRICA

30. (i) The reply is in the affirmative.

(ii) (*a*) and (*b*) The reply is in the affirmative.

31. (i) To achieve uniformity as far as possible, it is desirable that these points should be laid down in the "Form for the Annual Report", but not in the Draft Convention; certain countries which do not find it practicable to keep records on these specific points might be prevented thereby from ratifying the Convention.

UNITED STATES OF AMERICA

30. (i) Yes This is a very desirable provision.

(ii) (*a*) Yes. This is a very desirable provision.

(*b*) The reply is in the affirmative.

31. (i) The reply is in the affirmative.

(ii) Include items in Article 8.

THE RELATION BETWEEN THE PROPOSED DRAFT CONVENTION ON IRON AND STEEL WORKS AND THE FORTY-HOUR WEEK CONVENTION, 1935

32. Do you consider it desirable to indicate in the text of the proposed Draft Convention the connection between this Draft Convention and the Forty-Hour Week Convention, 1935, which declares approval of the principle of a forty-hour week applied in such a manner that the standard of living is not reduced in consequence ?

33. Do you consider that the appropriate method of indicating this connection would be to include in the Preamble of the proposed Draft Convention a passage indicating that in adopting the Draft Convention the Conference confirms the principle laid down in the Forty-Hour Week Convention, 1935, including the maintenance of the standard of living ?

34. Do you consider that the terms of the general Convention should be incorporated as an Article in the proposed Draft Convention ?

35. If the replies to Questions 33 and 34 are in the negative, what provision do you suggest that the proposed Draft Convention should contain concerning the maintenance of the standard of living ?

BELGIUM

32 The reply is in the affirmative.
33 The reply is in the affirmative
34 The reply is in the negative
35. In view of the replies to Questions 33 and 34, the Government is not called upon to make any suggestions

BRAZIL

32, 33 and 34 The reply is in the affirmative
35 The question falls

CANADA

Province of Manitoba

32 The reply is in the affirmative
33 The reply is in the affirmative
34 The reply is in the affirmative

CHILE

32. The reply is in the affirmative
33. The reply is in the affirmative
34 The reply is in the affirmative
35 See the replies to preceding questions

FINLAND

32 and 33 The replies are in the affirmative
34 The reply is in the negative Preferably in the Preamble
35 See replies to Questions 33 and 34

FRANCE

32 The reply is in the affirmative
33 The Government considers that it would be desirable for the Preamble of the Draft Convention to include the same provision as was included in the Draft Convention on hours of work in glass-bottle works, namely, "confirming the principle laid down in the Forty-Hour Week Convention, 1935, including the maintenance of the standard of living" If, however, the inclusion of this provision were to be an impediment to certain delegates voting for the adoption of the Draft Convention it would be preferable to abandon it, more especially as

it relates to a matter of principle and one the application of which is difficult to check

34 The reply is in the negative

ITALY

32, 33, 34 and 35 It would appear desirable to indicate in the Preamble to the Draft Convention the relation between it and the general Forty-Hour Week Convention, 1935, in such a way that States Members ratifying the Convention on the reduction of hours of work in iron and steel works would not thereby be obliged to ratify also the Forty-Hour Week Convention, 1935 States Members would thus be able to ratify both Conventions, but they would also be able to ratify either of them independently of the other.

NORWAY

32 and 33 The replies are in the affirmative.

34. The reply is in the negative

POLAND

32 The reply is in the negative

33 The reply is in the negative.

34 The reply is in the negative

35 No reply is given

SPAIN

32 The Government's reply is in the affirmative in conformity with previous replies

33 The proposal indicated in this question is acceptable

34 The general Convention of 1935 might be reproduced as an Article of the new Convention or the Preamble of the new Convention might simply include a reference to the provisions of the earlier Convention, the latter course being calculated to facilitate ratification by a greater number of States

SWITZERLAND

32, 33, 34 and 35 These questions illustrate the difficulties *of a general character* resulting from the adoption of Convention No 47 concerning the reduction of hours of work to forty per week A new kind of Convention was thus created and there are now two different types Conventions of the kind familiar hitherto, which contain precise and strictly defined legal obligations, and Conventions which do not aim at laying down a legal obligation, but simply declare a general principle in an abstract fashion, as in the case of Convention No 47 relating to the forty-hour week adopted in 1935 It might be asked if the second type of Convention is in conformity with the intention and purpose of Article 405 of Part XIII of the Versailles Peace Treaty, for, according to the intentions underlying this Article

(and other provisions bearing on it), a Convention should evidently lay down precise legal standards, while it was intended that simple postulates not having the force of obligations should be expressed in the form of a Recommendation. Moreover, the practical importance of such a Convention as that of the forty-hour week, which has created a dangerous confusion in the legal sphere, is very doubtful, since the general and the particular Conventions, although having a bearing one on the other, are nevertheless in law and in fact entirely independent; in fact, a general Convention may be ratified without any obligation to ratify also the particular Conventions which it envisages, and, on the other hand, a Member State may adhere to a particular Convention without having ratified the general Convention

As regards the manner in which a connection should be established between the general Forty Hours Convention and the particular Conventions with reference to the *maintenance of the standard of living*, in this instance also the principle must be adhered to that the only proper means of dealing with the matter is by regulations which are legally quite free from obscurity Thus regarded, the problem admits of only two possibilities: either a special provision should be inserted in the text of the Convention or no mention should be made of it at all A reference in the Preamble, as in the case of Convention No 49 on the reduction of hours of work in Glass-Bottle Works and also as suggested in Questionnaire No. V, is no more than a simple fiction, if not an illusion Such a reference has no legal force Further, the Conference has refrained, with good reason, from including in the Preamble of any of the 16 Conventions so far adopted any provision dealing with questions of substance There can, however, be no question of including in the Convention a special Article on the maintenance of the standard of living of the workers in view of the fact that such a provision, as is rightly pointed out in the commentary on the Questionnaire, cannot be given effect in practice (although the Article figures in the text of the general Forty-Hour Week Convention) Is it suggested that States should undertake to control the price level and earnings by making the constant adjustments necessary to maintain a specific relation between these two factors? Even should any country take such measures, which could happen only in exceptional cases and also only to a limited extent, it would hardly be possible to exercise international supervision in order to ascertain if the measures were adequate

As regards the substance of this question, the Government continues to be opposed to any reduction of hours of work which is subjected to the condition that it must not entail a lowering of the standard of living of the workers The considerations on which this attitude is based have already been stated in detail several times and the Government would particularly refer in this connection to the explanation given by its delegates to the last Session of the Conference

Union of South Africa

32 The reply is in the affirmative

33 and 34. If the States members are honest in their intention to comply with the spirit of the Draft Convention, the result would appear to be identical whether the connection between the Forty-Hour Week Convention and the proposed Draft Convention is shown by indication in the Preamble or by incorporation as an Article, either method would be equally binding

The former would however, appear to be preferable, for the following reasons:

(a) It was adopted in the case of the Draft Convention concerning Glass-Bottle Works, and uniformity of method in so far as it is possible, is desirable in dealing with all the Draft Conventions concerning the reduction of hours of work.

(b) From the report of the discussions at the last Conference, it appears that there was an impression among certain of the States Members that this method would allow the competent authorities greater elasticity in applying the terms of the Draft Convention

35. This question falls

United States of America

32, 33 34 and 35. This Government regards the principle of "the maintenance of the standard of living" as an essential part of any proposal for the reduction of hours. Therefore, it believes it preferable to include an expression of this principle in the body of the Draft Convention To refer to such a matter only in the Preamble might be construed as implying that it was not regarded as being of the same importance as the requirements concerning reduced hours.

It is suggested that a new Article be inserted in the proposed Draft Convention between the present Articles 6 and 7 to read as follows:

"Any decrease in hours of work due to this Convention shall be accompanied by a proportionate increase in the hourly rate of pay, so that the application of this Convention shall not, as a consequence, reduce the weekly income of the workers, nor lower their standard of living."

CHAPTER II

ANALYSIS OF THE REPLIES OF THE GOVERNMENTS AND CONCLUSIONS

The consultation of Governments on the question of the reduction of hours of work in iron and steel works took place in circumstances differing materially from those in which a consultation is usually effected in preparation for a second discussion by the International Labour Conference of proposals for the adoption of international regulations. The general question of whether a reduction of hours of work is to be regarded as desirable has already been settled, since the Nineteenth Session of the Conference adopted, by the necessary two-thirds majority, the Forty-Hour Week Convention, 1935. The particular issues at present under consideration are, firstly, whether employment in iron and steel works is a form of employment to which the general principle laid down in the Forty-Hour Week Convention should now be applied, and, secondly, what should be the particular methods of application adopted On this second issue, again, the consultation of Governments was somewhat different from that which usually takes place, since proposals for a Draft Convention which had been submitted to the Nineteenth Session of the Conference by the International Labour Office were examined and approved by a committee of the Conference, though the Conference decided to defer a final decision on the subject till its next Session In effect, therefore, Governments were asked not so much to give their views on entirely new proposals as to suggest what modifications might usefully be made in proposals which had already received a preliminary examination The replies of Governments on both these issues are summarised below

Desirability of an International Convention

Question 1 (Replies on pp 11 to 22)

The first question put to Governments was whether they consider it desirable that the Conference should adopt, in the form of a Draft Convention, international regulations for the reduction of hours of work in iron and steel works, in accordance with the principle laid down by the Forty-Hour Week Convention, 1935 On this question the replies show a considerable diversity of opinion

As the production of iron and steel is an industry relatively localised, a certain number of Governments naturally refrained

from expressing any definite opinion as to the desirability of adopting a Draft Convention or as to the content of any Draft Convention that might be adopted The Governments that abstain from a reply, either because they are not directly interested in the subject or for some other reason not implying any opposition in principle, are those of the following countries· the Canadian Provinces of Alberta, British Columbia and Saskatchewan, Denmark, Estonia, 'Iraq, Irish Free State It should be noted that the Danish Government declares itself in favour of reducing hours of work in as many fields of employment as possible

A number of other Governments do not reply in detail to the Questionnaire but make a general statement of their attitude, which is either opposed to, or at any rate not at present in favour of, the adoption of a Draft Convention In this group fall the Governments of the following ten countries· Austria, Bulgaria, Colombia, Great Britain, Hungary, India, Japan, the Netherlands, Sweden, Yugoslavia It should be noted, however, that three or four of these Governments make a general reply applicable to all four of the Questionnaires on the reduction of hours of work, so that it is not certain whether the particular case of iron and steel works is one in which they have a direct and substantial concern

In addition, the Governments of Finland and Switzerland, which reply to the Questionnaire in detail, are opposed to the adoption of a Draft Convention

Three of the Governments replying in the negative — those of India, the Netherlands and Switzerland — voted against the adoption of the Forty-Hour Week Convention, 1935, and their replies maintain in the particular case of iron and steel works the general objection of principle thus expressed.

Unlike the Governments whose replies are favourable to the adoption of a Draft Convention, most of whom content themselves with a simple affirmative reply to the question put, the Governments whose replies are negative explain their attitude, in certain cases at some length, and it will be seen that their reasons are not in all cases the same and that they do not always take up an attitude of absolute opposition to the principle of the reduction of hours of work

The British Government objects to a Forty-Hour Week Convention for iron and steel works on the ground that the Draft Convention adopted by the Conference in 1935 does not safeguard the earnings of the workers whose hours are reduced. It is, of course, true that the Convention of 1935 does no more than lay down the principle of the maintenance of the standard of living of the workers; but, as will be seen later in the examination of the replies to the second part of the Questionnaire, it is difficult to see in what way detailed application of this provision could be effected by an international Convention, and in the solution of this problem the reply of the British Government does not afford any assistance

Certain Governments oppose the application of the principle of the forty-hour week, either generally or in the particular case of iron and steel works, on the ground that it would entail an increase in costs of production This objection is raised by the Governments of the Netherlands, Switzerland and Yugoslavia, and also, though not apparently as the major consideration, by the Government of Sweden.

The special economic situation in certain countries is given as the reason for the negative replies from another group of Governments The Japanese Government simply states that in view of the present situation of industry in Japan it would be difficult to impose by legislation a reduction of hours of work which would contribute to an improvement in the unemployment situation The Government of India considers that in the special conditions of that country a forty-hour week would not suffice to enable the worker to produce sufficient to give him an adequate livelihood and also contends that a general reduction of hours of work would necessitate subsidies from the State in order to maintain the standard of living, a course which would not be justified The Austrian Government adopts an attitude of reserve, giving as its reasons the lack of economic resources, assured markets and modern technical equipment in that country The Government of Bulgaria also refers to the lack of technical equipment and gives the further reason that in Bulgaria the industries now under consideration are for the most part seasonal or in the initial stages of development. The Hungarian Government points out that the forty-eight-hour week is only now in course of introduction in that country and that consequently the introduction of a still shorter week is at present inadvisable.

Shortage of labour is cited as one of the reasons for the negative reply from Sweden The Swedish Government states that in its country the demand for labour in this industry is satisfactory and that during the past year there was even a shortage of skilled workers of certain classes For this Government, however, the decisive factor is international competition. It states that in the iron and steel works of its principal competitor, Germany, a fifty-six-hour week is applied in continuous operations, and considers that since Germany is no longer a Member of the Organisation the adoption of a Draft Convention would not be of service in securing competitive equality The difficulty of competition is also raised by the Finnish Government

On the other side there are ten Governments whose replies are in favour of the adoption of a Forty-Hour Week Convention for iron and steel works There are the Governments of Belgium, the Canadian Province of Manitoba, Chile, France, Italy, Norway, Poland, Spain, the Union of South Africa and the United States of America The South African reply, it should be added, is a very qualified affirmative, since it is conditional on an equalisation of basic costs of production which the Govern-

ment regards as not likely to be soon achieved The Brazilian reply is also a qualified affirmative

It should, on the other hand, be noted that the affirmative replies include those of two Governments, namely, those of Italy and the United States of America, which have actual experience of the application of the forty-hour week, and that the latter Government is of opinion that, having regard to the rapid technical progress in this industry, any increase in costs of production would be quite temporary

In preparing a report for the Conference the Office is necessarily guided in the main by the replies of Governments to the Questionnaire, although the situation is sometimes materially altered when the Conference meets by the attitude of Governments from whom replies had not been received when the Report was drafted In ordinary circumstances, the replies received to the present Questionnaire would hardly have justified the Office in submitting the text of a Draft Convention, for the division of opinion revealed by the replies indicates that the prospects of general agreement are very dubious At the same time, it is clear that the Office must take the necessary preparations to enable the Conference to take a decision on a definite text The Nineteenth Session of the Conference adopted a Draft Convention which not only laid down the general principle of the Forty-Hour Week but contemplated its application by a series of Draft Conventions to particular industries It also decided that one of the series of Draft Conventions to be considered should deal with iron and steel works, and gave preliminary consideration to proposals for such a Draft Convention The Office is bound to carry out the decisions of the Nineteenth Session of the Conference and to give the Twentieth Session all the material necessary to enable it to take a definite decision on the question of whether the forty-hour week should now be applied to iron and steel works and, if so, what should be the precise method of application The Office has therefore examined all the suggestions made by Governments which have replied in detail to the Questionnaire and submits for the consideration of the Conference the complete text of a proposed Draft Convention It is for the Conference to decide what action should be taken on the text before it

Scope of the Draft Convention

Definition of the Scope

Questions 2, 3 and 4 (Replies on pp 22 to 29)

In the first two of these questions, three possible methods of determining the scope of the Draft Convention were suggested. (1) should the Draft Convention apply to the whole staff of certain undertakings or branches of undertakings engaged wholly or mainly in certain operations to be specified in the text and, if so, should these operations be the conversion of ore into pig-iron, the conversion of pig-iron or iron or steel scrap into iron or steel, the rolling or heavy forging of iron or

steel, and any further operations which might be suggested by Governments; (2) should the Draft Convention apply to persons engaged on the production of certain products to be specified in the text, or (3) to persons engaged on certain specified operations — Governments being invited to indicate the products or operations to be covered

As was pointed out by the Office in the commentary which accompanied the Questionnaire submitted to Governments, the first method, whereby the Convention would apply to the whole staff of undertakings or branches of undertakings taken as units, presents certain advantages over the other two If, instead of undertakings being taken as the basis of the definition of the scope of the Draft Convention, it were desired to adopt certain kinds of products or certain kinds of operations as the criteria, it would, in fact, be very difficult to draw up a list of such products or operations which would be capable of satisfactory application internationally to an industry in which methods of organisation, classification and terminology differ in detail from country to country Moreover, as the Draft Convention concerning iron and steel works is to be one of a series of Conventions designed to cover eventually all forms of employment, the first of the three methods indicated would, by dealing with clearly specified undertakings or branches of undertakings, make it more easy to avoid any overlapping of the scope of the different regulations By making the Convention applicable, without distinction, to the whole staff of an undertaking it would also be possible to avoid the difficulties that might arise if different sections of the staff were, according to the particular character of their occupations, to be subject to the application of different regulations This was, moreover, the course suggested by the Office in the proposed Draft Convention submitted by it in 1935 and approved by the Committee on the Reduction of Hours of Work of the Nineteenth Session of the Conference

These considerations have no doubt been taken into account by the thirteen Governments replying to this question (those of Belgium, Brazil, the Canadian Province of Manitoba, Chile, Finland, France, Italy, Norway, Poland, Spain, Switzerland, the Union of South Africa and the United States of America), which unanimously agree that the Draft Convention should apply to persons employed in certain undertakings or branches of undertakings engaged in certain specified operations.

There is not the same measure of agreement as regards the operations to be specified in the text of the Convention Nine Governments (those of Belgium, Chile, Finland, Norway, Poland, Spain, Switzerland, the Union of South Africa and the United States of America) approve of the list given in paragraph (1) of Question 2 The Belgian Government, however, adds that the scope of the Convention should include persons employed on accessory operations, the Finnish Government, on the other hand, approves this list, provided, however, that the

competent authority in each country is authorised to define the extent of the application, and the Swiss Government observes that, if the regulations do not extend to certain processes which in the undertakings covered sometimes go further than the rolling or heavy forging of iron and steel, there would be a risk of persons employed in the same undertaking being subject to different systems of working conditions

Three Governments, while accepting the list suggested, propose its extension The Brazilian Government desires the addition of all allied operations carried on in the places specified, the Government of the Canadian Province of Manitoba suggests that all operations carried on in iron and steel works should be covered, and the Italian Government proposes the inclusion of the production of iron alloys which calls for a system of working similar to that in the case of blast furnaces producing pig-iron

Finally, the French Government suggests that the list of operations indicated in the Questionnaire should be modified as follows "(*a*) Production of any kind of cast iron, iron or steel or alloys thereof; (*b*) hot rolling of iron or steel, (*c*) forging, die-stamping, drop-stamping or pressing of heavy castings of iron or steel" In support of this proposal, the Government observes that the formula "production of any kind of cast iron, iron or steel or alloys thereof" would fill certain gaps in the first two series of operations mentioned in the Questionnaire by covering, for example, the production in blast furnaces of special cast-irons from scrap-iron in which only a negligible quantity of ore is used, malleable iron which is produced in reverbatory furnaces from refined cast-iron, operations with steel already produced — such as, for instance, the production of fine steels by the refining of ordinary steels in the electric furnace and of special steels It is also suggested that the use of the expression "rolling or heavy forging of iron or steel", which occurs in the Questionnaire, would exclude from the scope of the Draft Convention certain re-rolling operations when they constitute the sole or main operations of separate re-rolling works while including them if they were performed as subsidiary operations, as is sometimes the practice in specifically metallurgical works It is further observed that, should this formula be adopted, certain operations, which, although distinguishable from heavy forging, should nevertheless be assimilated to it if they present the same characteristics and affect units of the same section, might be excluded from the scope of the Convention The Government, accordingly, suggests that the text should refer to the following operations "die-stamping, drop-stamping or pressing of heavy castings of iron or steel" These contentions are undoubtedly weighty and have therefore been reproduced here in some detail In dealing with iron and steel production, however, it should be borne in mind that the terminology as well as the methods of organisation followed differ from country to country, with the result that operations carried on in a certain

2 The competent authority shall, after consultation with the organisations of employers and workers concerned where such exist, define the line which separates undertakings or branches covered by this Convention from undertakings or branches engaged in related operations

Persons who may be exempted

Questions 5, 6 and 7 (Replies on pp 29 to 32)

The text considered at the Conference in 1935 was so drafted as to apply to all persons employed in the establishments or branches of establishments coming within the scope of the Convention, while permitting the competent authority in each country to exempt from its application persons occupying positions of supervision or management and persons engaged in technical control of operations, subject in both cases to the condition that these persons do not ordinarily perform manual work In Question 5 Governments were asked for their views as to the maintenance of this power of exemption All the replies are in favour of permitting exemption in these cases with the exception of those from France and Poland The French Government agrees as regards persons occupying positions of management but not as regards those occupying positions of supervision or engaged in technical control of operations; the latter it regards as employees who should benefit by the Convention, though it would allow of any special exceptions required by the nature of their duties The Polish Government agrees as regards persons occupying positions of management, but is opposed to the exemption of persons in other categories, pointing out that their exemption would tend to increase rather than to diminish unemployment among this class of workers The United States Government also expresses some doubt on this score

These arguments undoubtedly require consideration It will, however, be recalled that the case of persons engaged in technical control of operations was introduced into the Office text of the proposed Draft Convention submitted to the Nineteenth Session of the Conference, by the Sub-Committee on Iron and Steel Various arguments were then put forward in favour of this proposal There are, in fact, in this industry certain persons, such as metallurgical chemists and their assistants, who are not engaged in supervising or directing ordinary workers and might not therefore be exempted from the application of the proposed regulations The work of these persons is, nevertheless, essential to the continuity of the work of the undertaking They are relatively few in number and not always readily available in sufficient number in all localities The normal running of the undertaking and the continuity of employment of the rest of the staff might be seriously affected if the hours of work of these technicians were too rigidly limited

As regards persons occupying positions of supervision, to whom reference is made in the text approved in 1935, the case

for exemption would not seem to be so strong, but it will be observed that what is proposed is merely that the competent authority should be authorised to exempt such persons and not that they should be exempted automatically. The position in this respect may not be the same in all countries, and in a country where the number of workers with the necessary qualifications for supervision is limited owing to the fact that the industry is at an early stage of development, some exemptions might perhaps be necessary At any rate, a majority of the Governments are in favour of permitting exemption and the Office therefore maintains the text approved in 1935

Whether exemption should be permitted of any other classes of persons than those specified in the draft of 1935 was raised in Question 6. The majority of the Governments have replied in the negative on this point Ten Governments — those of Belgium, Brazil, the Canadian Province of Manitoba, Chile, France, Italy, Norway, Poland, Switzerland and the United States of America — are opposed to permitting any further exemptions The Spanish Government, however, suggests that the competent authority should be permitted to exempt small undertakings to which it would not be easy to apply the new system by reason of its social and economic consequences It may be observed in this connection that the question of permitting the exemption of persons employed in such undertakings would seem to be one of comparatively minor importance in the case of iron and steel works, owing to the nature of the industry Two other Governments, those of Finland and the Union of South Africa, appear to desire that the competent authority in each country should have full power to exempt any classes of persons at its discretion and without any limitation imposed by specification of classes in the Convention itself The objections to so wide a latitude are evident and the Office doubts if the Conference would be prepared to go so far as these Governments suggest

On the issue whether it should be made obligatory on the competent authority to consult with the employers' and workers' organisations concerned in this matter of exemptions, raised in Question 7, ten Governments have replied in the affirmative These are the Governments of Belgium, Brazil, the Canadian Province of Manitoba, Chile, Finland, France, Italy, Spain, Switzerland and the United States of America The Chilean Government is of opinion that the consultation should consist of communicating to the organisations concerned Bills and draft regulations providing for such exemptions The French and Spanish Governments consider that the requirement should be confined to cases of exemption not set out in the Draft Convention In addition to these ten Governments, the Norwegian Government merely repeats that in this case also the competent authority will probably obtain all necessary information and observations, the Polish Government does not reply on this point, but it will be recalled that in this

Governments view consultation should not be made obligatory in too many cases. Finally, the South African Government regards the matter as one which should be left to the discretion of the competent authority

On the basis of the foregoing survey of the replies of Governments to Questions 5, 6 and 7, the Office proposes to maintain the text of 1935 unchanged as regards the power of exempting certain classes of persons The text submitted to the Conference for the last paragraph of Article 1 as regards the scope of the Draft Convention is therefore as follows:

ARTICLE 1

3 The competent authority may, after consultation with the organisations of employers and workers concerned where such exist, exempt from the application of this Convention persons occupying positions of supervision or management or engaged in technical control of operations who do not ordinarily perform manual work

Definition of Hours of Work

Question 8 (Replies on pp 32 to 33)

The replies reveal almost complete unanimity in favour of the maintenance of the text approved last year concerning the definition of what is meant by "hours of work" for the purposes of the Draft Convention, the only exception being the reply of the United States Government

The Swiss Government calls attention to the need for some allowance for "travelling time" in certain cases, but this is a matter so bound up with local conditions and custom that it could hardly be the subject of international regulation.

The Office accordingly submits without change the text of 1935, which was as follows·

ARTICLE 2

5 For the purpose of this Convention the term "hours of work" means the time during which persons employed are at the disposal of the employer and does not include rest periods during which they are not at his disposal

Limitation of Hours

Standard Forty-Hour Week

Question 9 (Replies on pp 33 to 35)

The great majority of the replies favour forty hours as the standard limit for the working week The Swiss Government, however, considers that while a forty-hour week might perhaps be spread out over five working days, a forty-four

or forty-five-hour week would be more easy of adjustment in the case of an industry in which operations such as, for example, work at furnaces, though stopped on Sundays, are often carried on without a break day and night on all the other days

The Brazilian and South African Governments agree to the forty-hour limit "as a general rule" The Finnish Government abstains from replying specifically to this question, its general position having been stated in its reply to Question 1 All the other Governments (those of Belgium, the Canadian Province of Manitoba, Chile, France, Italy, Norway, Poland, Spain, and the United States of America) agree without qualification to forty hours as the standard The United States Government would even prefer a limit lower than forty hours in the case of such a heavy industry as iron and steel, but recognises that at the present time such a proposal would be impracticable

Continuous Processes

Questions 10, 11 and 12 (Replies on pp 35 to 38)

The replies of nearly all the Governments are in favour of allowing a slightly longer week of forty-two hours for workers employed on continuous processes, the only exceptions being the Swiss Government, which considers that a forty-eight-hour week would present fewer difficulties in the case of undertakings that have not adopted the system of four shifts of six hours each, the United States Government, which would maintain the forty-hour week even for continuous processes, and the Finnish Government, which abstains from replying specifically on this point The French Government, however, suggests that the processes in question should be defined as those which are "necessarily" continuous All the Governments, with the exception of the Governments of Brazil and the United States of America, the latter because it is opposed to the special limit proposed, are also in favour of requiring the competent authority in each country to determine what are the continuous processes in respect of which the forty-two-hour week should apply. On the question of whether it should be made obligatory on the competent authority to consult with the employers' and workers' organisations before determining what are continuous processes, the Governments are once more divided The Governments of Poland and the United States of America refrain from replying, and those of Norway and the Union of South Africa are in favour of leaving the matter to the discretion of the competent authority The Governments of Belgium, Brazil, the Canadian Province of Manitoba, Chile, Finland, France, Italy, Spain and Switzerland prefer, on the other hand, to make consultation obligatory by the terms of the Convention

Calculation of Hours as an Average over a Period

Questions 13 to 16 (Replies on pp. 38 to 43)

Possibility of calculating Hours of Work as an Average

The Governments of Brazil and the Canadian Province of Manitoba are opposed to allowing weekly hours of work to be calculated as an average over a specified period. The French and Norwegian Governments would allow averaging only in respect of continuous processes and the Chilean Government also considers that averaging should apply only to such operations and in exceptional cases All the other Governments are either in favour of, or have no objection to, permitting averaging both for non-continuous and continuous processes The Government of the United States of America, however, points out that experience in that country showed that the practice of averaging is easily abused

Length of Averaging Period

If averaging is permitted, as is proposed by most of the replies, the question arises as to whether any limit should be fixed to the length of the period over which the average may be calculated and, if so, whether this limit should be determined by the Convention itself or by the competent authority in each country

Most of the Governments are in favour of requiring the competent authority to fix the length of the averaging period The only exceptions are the Governments of Belgium, which would include a maximum period of three weeks in the Draft Convention, and of France, which proposes a limit of four weeks to be similarly prescribed The South African and United States Governments suggest that the matter should not be left to the unfettered discretion of the competent authority and propose that an over-riding maximum should be laid down in the Convention The former suggests a maximum period of three weeks; and the latter a maximum of four weeks, further observing that the competent authority should not be able to approve a longer period than that fixed by collective agreements affecting at least half the workers in the industry The majority of the replies therefore are in favour of leaving the fixing of the averaging period entirely to the competent authority.

On the question of consultation with employers' and workers' organisations before the length of the averaging period is fixed by the competent authority, the Governments are once more divided in their views The Governments of Poland, whose general attitude in this matter of consultation has already been indicated, of Brazil, which is opposed to allowing weekly hours of work to be calculated as an average over a

period, and those of Belgium, France and the United States of America, which are in favour of this limit being fixed by the Convention itself, do not reply to this question The South African Government desires consultation to be left to the discretion of the competent authority On the other hand, the Governments of the following countries consider that consultation should be made obligatory· the Canadian Province of Manitoba, Chile, Finland, Italy, Norway, Spain and Switzerland

It will be seen that the majority of the replies are in favour of the maintenance of the text of 1935 dealing with hours of work and averaging. The Office accordingly submits the following text for the consideration of the Conference:

ARTICLE 2

1. The hours of work of persons to whom this Convention applies shall not exceed an average of forty per week

2 In the case of persons who work in successive shifts at processes required by reason of the nature of the process to be carried on without a break at any time of the day, night or week, weekly hours of work may average forty-two.

3 The competent authority shall, after consultation with the organisations of employers and workers concerned where such exist, determine the processes to which paragraph 2 of this Article applies

4 Where hours of work are calculated as an average, the competent authority shall, after consultation with the organisations of employers and workers concerned where such exist, determine the number of weeks over which this average may be calculated

Maximum Week

If averaging of hours over a specified period is permitted, the question arises of fixing a limit in the Draft Convention to the number of hours that may be worked in any one week, so that they would not be unduly long in any part of this period The text approved by the Conference in 1935 contained a provision on this point fixing the limit at forty-eight hours, the standard limit stipulated in the Washington Convention. In Question 15, Governments were asked for their views as to the advisability of maintaining this provision

The majority of the replies are in favour of the inclusion of a provision concerning a maximum week The Governments in favour are those of Belgium, Brazil, the Canadian Province of Manitoba, Chile, Finland, France, Italy, Poland, Spain, the Union of South Africa, and the United States of America, the Finnish Government, however, adding the qualification "subject to exceptions" The Norwegian and Swiss Governments are opposed to such a provision, and the latter considers that the matter should be left to the discretion of the competent authority in each country With the exception of the Italian Government, which does not reply specifically on this point, all the other Governments forming the majority are also in favour of fixing the maximum at forty-eight hours

The issues raised in Question 16 were, in the first place, the power to be given to the competent authority to approve, in exceptional cases, arrangements of hours of work involving a weekly limit higher than the special limit suggested in the previous question; secondly, whether the competent authority should be required to consult with the employers' and workers' organisations concerned before it approves such an arrangement, and lastly whether there are any other conditions or restrictions that should apply to the approval

With the exception of the replies from Belgium and the United States of America, which are in the negative, and those of the Norwegian and Swiss Governments, which are opposed to the fixing of a weekly maximum, the replies are in favour of giving this power to the competent authority The Spanish Government merely observes that the proposed authorisation should be restricted to exceptional cases provided for in national laws and regulations, and the Polish Government calls attention to certain groups of specialist workers in whose case weekly hours of work might be raised to fifty-six

On the issue whether it should be made obligatory on the competent authority to consult with the employers' and workers' organisations concerned in this matter, the Brazilian, Manitoban, Chilean, Finnish, French, Italian and Spanish Governments are of opinion that consultation should be required The Governments of Belgium, Norway, Poland and Switzerland abstain from replying specifically to this question The South African Government is again, in this case, of opinion that the matter should be left to the discretion of the competent authority

Other conditions and restrictions are also suggested in some of the replies The Brazilian Government, without making any definite proposal, approves restrictions calculated to ensure that the proposed Draft Convention will be fully applied The Chilean Government is of opinion that the approval should be confined to workers on continuous processes, and has no objection to other suitable restrictions The French Government replies in the affirmative, but offers no suggestions, nor do the other replies contain any further proposals

Limitation of Daily Hours of Work

Desirability of Daily Limitation

Question 17 (Replies on pp 43 and 44)

In this question, Governments were asked whether they considered that, in addition to the weekly limit, the Draft Convention should also fix a daily limit of hours of work, and whether it should normally be eight hours, as was the case in the text approved by the Conference in 1935

The replies are almost unanimously in favour of the fixing of a daily limit The Finnish Government is the only one to

observe that the technical nature of the work does not always permit of a daily limit The Swiss Government does not reply on this point The Governments of Belgium, the Canadian Province of Manitoba, Chile, France, Italy, Norway, Poland, Spain, the Union of South Africa, and the United States of America agree that the daily limit should be eight hours. The Finnish Government also agrees that "as far as possible" the limit should be eight hours The Swiss Government observes that if a daily limit is considered necessary, it should be fixed not at eight but nine hours, so as to allow sufficient scope in unusual cases Finally, the Brazilian Government considers that the Draft Convention should be wide enough to cover any adjustments in regard to hours of work to meet the requirements of the industry.

Hours in Excess of Daily Limit

Questions 18 and 19 (Replies on pp 44 to 47)

The proposed Draft Convention considered at the Nineteenth Session of the Conference provided that, subject to the forty-eight-hour weekly limit, the daily limit might, by the sanction of the competent authority or by agreement between employers' and workers' representatives, be increased to nine hours In Question 18 Governments were asked whether such an increase should be permissible and whether the working of hours in excess of the daily limit should be conditional on either the sanction of the competent authority or agreement between employers' and workers' representatives

The great majority of the replies are in favour of a provision allowing such an increase in the daily limit The Polish and the United States Governments are the only ones to reply in the negative, the latter being of opinion that no exception to the eight-hour daily limit should be permitted, except with pay at overtime rates and with restrictions upon the amount of permissible overtime The Belgian, Chilean, French, Italian, Norwegian and Swiss Governments agree that the amount by which the daily limit may be exceeded should be restricted to one hour, as suggested in the Questionnaire The Polish and the United States Governments are, on the contrary, opposed to allowing the increase, and the Governments of the Canadian Province of Manitoba, Finland and South Africa, while refraining from mentioning any other amount, reply in the negative. The Spanish Government desires that this maximum should be the same as that provided by the national legislation in similar cases, and the Brazilian Government suggests that it should be two hours. The opinion of the Governments is divided on the conditions that should apply to the working of hours in excess of the daily limit The Chilean and Italian Governments approve both the proposed conditions, namely the sanction of the competent authority and agreement between employers' and workers' representatives The Manitoban, Finnish, French

and South African Governments express a preference for the first (the French Government adding that the sanction of the competent authority should be accorded after consultation with representatives of the employers and workers concerned), while the Belgian, Brazilian and Norwegian Governments are in favour of applying the second condition The Spanish Government desires that, if extra time is to be worked, the conditions prescribed by the national legislation should be complied with. The Swiss Government observes that as the daily limit could be exceeded only on condition that the weekly limit is respected, the requirement to obtain sanction need not be prescribed While there is no objection to agreement between employers' and workers' associations, the permission to work overtime should not be made conditional on such agreement, for industrial undertakings must have the requisite freedom of action Finally, no other Government — with the exception of the Government of the Canadian Province of Manitoba, which suggests an increased rate of payment for all overtime — has expressly proposed any other conditions or restrictions

The issues raised in Question 19 were whether the competent authority should be given power to approve arrangements of hours involving a daily limit higher than would be permitted as indicated in the two previous questions; whether, in this case, the competent authority should be required to consult with the employers' and workers' organisations concerned, and whether any other conditions or restrictions should apply to the approval of such an arrangement of hours

Four Governments, those of Belgium, Norway, Poland and the United States of America, are opposed to any such provision The French Government merely observes that the value in actual practice of this kind of "super-exception" is not clear The Brazilian, Manitoban, Chilean, Finnish, Italian, Spanish, Swiss and South African Governments reply in the affirmative, the Brazilian Government, however, with the qualification "*strictly* in exceptional cases" and the South African Government also adding "in *undefined* exceptional circumstances" With the exception of this last, all the others also agree that the competent authority should be required to consult with the industrial organisations concerned before approving any such arrangement The Brazilian Government is of opinion that, except where the interests of the public are concerned, the question of consulting the industrial associations should be left to the discretion of the competent authority To the question whether other conditions or restrictions should be prescribed, the Chilean Government suggests the fixing of a maximum number of hours of overtime and any other suitable conditions or restrictions, and the French Government considers that a maximum limit to the excess should be provided in the Draft Convention.

It will be seen that the majority of the replies do not call for any change in the provisions of the text, considered at the

Conference in 1935, relating to the limitation of hours of work by the day as well as by the week, and the permitted extensions beyond this limit The Office has accordingly decided to maintain these provisions. An issue, which was not raised in the Questionnaire but might however arise in connection with work on continuous processes carried on by three shifts without interruption at any time of the day, night or week, is the need for adequate flexibility in the provisions relating to overtime to allow for the time required for the periodical change-over of shifts The Office therefore proposes to add a provision specifying that the limits fixed shall not apply to this case The text submitted by the Office is as follows.

ARTICLE 3

1 No arrangement of hours of work made under the provisions of Article 2 shall allow of any person working for more than eight hours in any one day or forty-eight hours in any one week

2 Provided that, subject to the forty-eight-hour weekly limit, the daily limit may by the sanction of the competent authority or by agreement between representatives of the employers and workers concerned be increased to nine hours

3 Provided also that the limits of eight and forty-eight hours may be exceeded in exceptional cases in which the competent authority, after consultation with the organisations of employers and workers concerned where such exist, approves an arrangement of hours involving higher limits

4 The provisions of this Article do not apply to any daily or weekly excess of the prescribed limits necessary to allow of the periodical change-over of shifts

Exceptions

Preparatory, Complementary and Intermittent Work

Question 20 (Replies on pp 48 to 50)

With the exception of the South African and United States Governments there is unanimity in favour of allowing a longer working week in the case of persons engaged on preparatory and complementary work and on work of an intermittent character The South African Government observes that if the preparatory or complementary work is an integral part of the undertaking, then the same considerations should apply as obtain in the case of the undertaking in question, and that if the work is such that it falls within the scope of another undertaking or industry then the hours of work applicable in that industry should obtain The second type of case could, in its view, be covered by allowing the competent authority to grant at its discretion exemption of persons or undertakings from the application of the Convention in exceptional cases The United States Government is of opinion that permission to exceed the limits of hours in the case of preparatory or complementary work should be allowed only if it is demonstrated that such work exists in the iron and steel industry and cannot

be taken care of by other means, and that the fact that a worker may be inactive for a part of the time while he is "on the job" does not justify extending his hours of work

Nearly all the Governments also agree that hours of work in these cases should be fixed by regulations made by the competent authority in each country The South African Government considers that it should be optional and not mandatory for the competent authority to make regulations on this subject The Swiss Government proposes a different procedure, namely, that the competent authority should issue permits to individual undertakings instead of making regulations, which would seem to be appropriate only to branches of industry or classes of undertakings taken as a whole, and suggests that there may be cases in which it would be desirable to fix the minimum rest period rather than the maximum hours of work

In view of the general agreement among Governments the Office proposes to maintain unchanged the Article relating to exceptions in the case of persons employed on preparatory or complementary and intermittent work, appearing in the text of 1935 This Article read as follows·

ARTICLE 4

1 The competent authority may, by regulations made after consultation with the organisations of employers and workers concerned where such exist, provide that the limits of hours prescribed in the preceding Articles may be exceeded in the case of:

(*a*) persons employed on preparatory or complementary work which must necessarily be carried on outside the limits laid down for the general working of the undertaking, branch or shift;

(*b*) persons employed in occupations which, by their nature, involve long periods of inaction during which the said persons have to display neither physical activity nor sustained attention or remain at their posts only to reply to possible calls

2 The regulations referred to in paragraph 1 shall determine the maximum number of hours which may be worked in virtue of this Article

Special Cases

Question 21 (Replies on pp 50 to 51)

In this question Governments were asked whether it should be provided, as in the proposed Draft Convention considered at the Conference in 1935, that the limits of hours prescribed may be exceeded to allow of the completion of an operation which lasts longer than the normal duration of a shift or cannot for technical reasons be interrupted at will and for which the presence of particular persons is necessary. If so, Governments were invited to state whether, in their view, in such cases the maximum number of hours that may be worked should be determined by regulations made by the competent authority Nearly all the Governments replying agree that hours of work in these cases should be fixed by regulations made by the competent authority in each country, the Norwegian Government, however, being of opinion that such regulations should be

confined to "exceptional cases" Only two Governments, those of South Africa and the United States of America, reply in the negative The South African Government desires that, as a rule, provision should be made for the competent authority to permit, at its discretion, the prescribed limits of hours to be exceeded in exceptional cases, and the United States Government considers that these special cases should be taken care of through the provision for overtime work, with extra pay The position of the Governments is the same on the question whether the maximum number of hours that may thus be worked should be determined by regulations made by the competent authority

Cases may well arise in which an operation, once begun, may have to be carried through to completion and cannot be stopped when the usual "knocking off" time arrives But this fact does not in itself justify the working of longer hours by the workers already engaged on the job unless they cannot be replaced by others, and if this is the situation they would seem to be clearly entitled to overtime pay It might perhaps be said that the case would be sufficiently covered by the ordinary overtime provisions of the Draft Convention, but as it is a special case affecting in each instance only a small number of workers, occurring only occasionally, and not affecting the workers as a whole, it would seem desirable to deal with this specially The Office therefore proposes to provide for overtime in special cases of this kind, as in the text of 1935 and in accordance with the large majority of the replies, the responsibility for deciding the maximum amount of overtime allowed being placed on the competent authority and it being laid down that such overtime should be paid for at an increased rate The text submitted is as follows

ARTICLE 6

1 The limits of hours prescribed in Articles 2, 3 and 4 may be exceeded in cases where the continued employment of certain persons is necessary for the completion of an operation which it is technically impossible to interrupt

2. The competent authority shall, after consultation with the organisations of employers and workers concerned where such exist, determine the operations to which the preceding paragraph applies and the maximum number of hours in excess of the prescribed limits which may be worked by the persons concerned

3 Overtime worked in virtue of this Article shall be remunerated at not less than one-and-a-quarter times the normal rate

Accidents

Question 22 (Replies on pp 52 to 53)

The replies to this question show almost complete unanimity as to permitting the standard hours to be exceeded so far as may be necessary in the event of accident, in case of urgent work to be done to machinery or plant or in case of *force majeure* The United States Government suggests that such excess hours

should be paid for at overtime rates and the Spanish Government also proposes that appropriate compensation should be accorded. As in the case of the previous question, the South African Government is of opinion that the competent authority should be empowered to impose restrictions at its discretion The position is more or less the same on the question whether extra time should be allowed to make good the unforeseen absence of one or more members of a shift, the Polish Government replying in the negative and the Norwegian Government suggesting that overtime pay should be granted. In view of these replies, the Office proposes to maintain unchanged the text considered in 1935, which was in the following terms:

ARTICLE 5

The limits of hours prescribed in the preceding Articles may be exceeded, but only so far as may be necessary to avoid serious interference with the ordinary working of the undertaking,

(*a*) in case of accident, actual or threatened, or in case of urgent work to be done to machinery or plant, or in case of *force majeure*; or

(*b*) in order to make good the unforeseen absence of one or more members of a shift.

Overtime

Overtime Allowances

Questions 23, 24 and 25 (Replies on pp 53 to 56)

The text considered at Conference in 1935 made provision for the working of overtime in two ways. The first provided for the grant by the competent authority of an allowance of overtime for exceptional cases of pressure of work The allowance was to be granted under regulations made after consultation with the employers' and workers' organisations concerned and was subject to the condition that the staff should not be employed for more than a hundred hours of overtime in any year. In Questions 23, 24 and 25, Governments were asked for their views on this provision.

All the Governments replying consider that provision should be made in the Draft Convention for allowances of overtime for exeptional cases of pressure of work, though the French Government would restrict allowances of overtime to work on non-continuous processes, and the Spanish Government would limit allowances to cases where it is impracticable to engage additional staff.

All the Governments also agree that the grant of an allowance of overtime should be at the discretion of the competent authority in each country. On the further question whether consultation with the employers' and workers' organisations should be mandatory before an allowance of overtime is granted, the Governments of Belgium, Brazil, the Canadian Province of Manitoba, Chile, Finland, France, Spain, Norway and Switzer-

land are in favour of making consultation mandatory The United States Government goes further and would not allow the competent authority to approve any overtime in excess of that allowed in collective agreements between employers and workers affecting at least one-half of the workers in industry The Polish and South African Governments consider that consultation should be optional The Italian Government does not give a specific reply on this point

In the third question of this group Governments were asked whether the Draft Convention should impose any restriction on the amount of an allowance of overtime, and, if so, how it should be reckoned and what the maximum allowance should be Ten Governments are in favour of a restriction being imposed by the Draft Convention These are the Governments of Belgium, Brazil, the Canadian Province of Manitoba, Chile, France, Norway, Poland, Spain, Switzerland and the United States of America The Finnish and South African Governments reply to the question in the negative, and the Italian Government does not give a specific reply on this point

The French Government proposes that the maximum number of hours of overtime should be fixed for the staff as a whole, separate application to each distinct part of the establishment and subdivision into periods of half an hour each being made permissible All the other replies, with the exception of that of the Spanish Government, which desires that the restriction should be imposed in both ways, are in favour of making the restriction on overtime apply in respect of the individual worker and not in respect of the staff as a whole

Various proposals are made as to what the maximum number of hours of overtime should be The Belgian Government suggests a maximum of fifty hours a year The Government of the Canadian Province of Manitoba proposes that it should be three hours in any one day or six hours in any one week The Chilean Government suggests a maximum of two hours' overtime a day, and the Spanish Government two hours a day and twelve hours a week The French Government proposes a maximum allowance of sixty hours a year, the daily overtime not exceeding two hours The Polish, Swiss and United States Governments suggest a maximum of one hundred hours a year with a daily maximum of four hours in the case of the Polish Government The Norwegian Government suggests a maximum of two hundred hours a year The Italian Government does not give any specific reply on the point but would apparently leave the maximum to be fixed by the competent authority In view of the general agreement that provision should be made for allowances of overtime and the diversity of opinion on some of the details, the Office does not feel justified in proposing any change from the text of 1935 as regards overtime allowances, save to make the limit apply to individuals instead of to the staff as a whole

ARTICLE 7

1 The competent authority may grant an allowance of overtime for exceptional cases of pressure of work Such an allowance shall only be granted under regulations made after consultation as to the necessity of such overtime and the number of hours to be worked with the organisations of employers and workers concerned where such exist, and no such allowance shall permit of any person being employed for more than one hundred hours of overtime in any year

Overtime Permits

Question 26 (Replies on pp 57 to 58)

The second overtime provision in the text of 1935 provided for the grant by a competent authority to individual undertakings in certain circumstances of temporary permits for further overtime in respect of specified persons or classes of persons Question 26 asked Governments for their views as to the maintenance or modification of this provision

The grant of such temporary permits is approved in all the replies except those of the Governments of France and the United States of America The United States Government considers that there should be no extension of overtime beyond the limit fixed in the provision for overtime allowances The French Government's reply is a simple negative

Restriction of the grant of temporary permits to cases in which the competent authority is satisfied of the impracticability of engaging additional staff is approved in most of the replies The Brazilian and French Governments reply in the negative, and the Swiss Government is of opinion that, while the competent authority should obviously consider whether it is possible to engage additional staff, this should be made an urgent recommendation and not a strict requirement

A limitation of the grant of permits in respect of specified persons or classes of persons is approved by the Governments of Belgium, Brazil, Chile, Finland, Norway, Poland, Spain and Switzerland The Manitoban and French Governments reply in the negative, while the South African Government would leave this matter to the discretion of the competent authority in each country The Italian Government does not give a specific reply on this point

To the final question whether a restriction should be imposed by the Draft Convention on the amount of overtime to be worked by any person in virtue of a permit, the Governments of Belgium, the Canadian Province of Manitoba, Chile, Poland, Spain and Switzerland reply in the affirmative The Brazilian and French Governments reply in the negative, the Finnish and South African Governments would leave this matter to the discretion of the competent authority in each country, and the Italian and Norwegian Governments do not give any specific reply on the point Different maxima are, however, suggested in the replies The Belgian Government proposes that the

maximum should be fifty hours The Government of Manitoba suggests that it should be three hours in any one day and six hours in any one week The Chilean Government proposes a maximum of two hours' overtime a day, while the Spanish Government appears to favour limits of two hours a day and twelve hours a week The Polish and Swiss Governments propose a limit of sixty hours' overtime a year

It would therefore appear that the majority of the replies do not call for any change in the text considered in 1935 as regards overtime permits. The opinion of the Governments is divided only on the maximum to be fixed, and the figures proposed are so varied that there is no such clear indication as would justify a change in this text. The Office proposes, therefore, to maintain the same text

ARTICLE 7

. . . . .

2 In cases of urgency in which it is satisfied of the impracticability of engaging additional persons the competent authority may in respect of specified persons or classes of persons grant to individual undertakings temporary permits for further overtime, so however that no such permit shall allow the employment of any person for more than sixty hours of such overtime in any year

Other Cases of Overtime

Question 27 (Replies on pp 59 to 60)

On the question whether overtime should be allowed in any other cases, the French Government proposes that overtime should be allowed on work done for purposes of national defence or for a public service at the order of the Government The Italian Government suggests that the matter should be left to the competent authority after consultation with the employers' and workers' organisations concerned The United States Government repeats, in reply to this question, its objection to any overtime other than that provided for under the allowance system All the other replies are in the negative

Overtime Pay

Questions 28 and 29 (Replies on pp 60 to 63)

All the Governments agree that the Draft Convention should prescribe payment at an increased rate for overtime worked under overtime allowances and permits Five Governments, namely, those of Brazil, the Canadian Province of Manitoba, Chile (except in case of accident or *force majeure*), Italy, and the United States of America, consider that payment at overtime rates should also be prescribed in all other cases of overtime The Finnish, Norwegian and Spanish Governments also favour payment at overtime rates in other cases, but it is not quite certain from their replies that they intend this rule to apply to all other cases The Belgian Government replies in the

negative and the South African Government would leave the matter to the competent authority in each country. The French Government considers that the question should be determined in accordance with custom or collective agreements The Swiss Government is opposed to the stipulation being made in the Draft Convention for any cases of overtime other than overtime for exceptional pressure of work

All the Governments, with the exception of the Spanish Government, which would leave the matter to national laws and regulations, consider that the minimum rate of increase in pay for overtime should be prescribed in the Draft Convention Five Governments consider that a uniform rate should be prescribed irrespective of when the overtime is worked. These are the Governments of Belgium, Norway, Switzerland, the Union of South Africa and the United States of America, the last-named Government proposing a 50 per cent increase and the others a 25 per cent increase Differential rates according to whether the overtime is worked during the day or the night or on Sundays and holidays are proposed by the Governments of six countries, namely, Brazil, the Canadian Province of Manitoba, Chile, France, Italy and Poland The Manitoban, French and Italian Governments propose a 25 per cent increase for overtime worked in the day, while the Polish Government suggests a 25 per cent increase for the first two hours of overtime and 50 per cent for subsequent hours The Chilean Government suggests 50 per cent, and the Brazilian Government does not mention a figure Higher rates to be paid for night, Sunday and holiday overtime are specified by only two of these Governments, the Polish Government proposing 50 per cent for both night and holiday overtime, and the French Government, 50 per cent for day-time overtime on Sundays and holidays, 50 per cent for night work on ordinary days and 75 per cent for night work on Sundays or holidays The Chilean and Italian Governments would leave the amount of the extra overtime rate for night, Sunday and holiday work to be settled nationally Three Governments consider that the question of whether there should be differential rates should be settled nationally These are the Governments of Finland, Spain and Switzerland, the Swiss Government proposing a minimum of 25 per cent for overtime in the day

It will be seen that there is substantial agreement on prescribing a minimum increase of 25 per cent for overtime in cases of exceptional pressure of work, but not as regards either the stipulation of an overtime rate for other cases of overtime or the fixing of special rates for overtime at night and on Sundays and holidays In these circumstances, the Office proposes to maintain unchanged the text of 1935, which was as follows

ARTICLE 7

3 Overtime authorised in virtue of this Article shall be remunerated at not less than one-and-a-quarter times the normal rate

Measures for Enforcement and Supervision

Obligations on Employers

Question 30 (Replies on pp 63 to 66)

The replies show complete unanimity as to the desirability of including in the Draft Convention a provision requiring employers to post notices giving details of the hours of work in operation and to keep records of overtime work and overtime payments.

The Office accordingly proposes to maintain the following text, which is substantially that approved in 1935.

ARTICLE 8

In order to facilitate the effective enforcement of the provisions of this Convention every employer shall be required

(*a*) to notify by the posting of notices in a conspicuous manner in the works or other suitable place or by such other method as may be approved by the competent authority.
  (i) the hours at which work begins and ends,
  (ii) where work is carried on by shifts, the hours at which each shift begins and ends;
  (iii) where a rotation system is applied, a description of the system including a time-table for each person or group of persons;
  (iv) the arrangements made in cases where the average duration of the working week is calculated over a number of weeks, and
  (v) rest periods in so far as these are not reckoned as part of the working hours,

(*b*) to keep a record in the form prescribed by the competent authority of all additional hours worked in virtue of Articles 6 and 7 and of the payments made in respect thereof.

Annual Reports of Governments

Question 31 (Replies on pp 63 to 66)

To the question whether the Draft Convention itself should specify certain points on which full information should be given in the annual reports on the application of the Convention furnished by Governments, nine Governments reply in the affirmative. These are the Governments of Belgium, Brazil, the Canadian Province of Manitoba, Chile, France, Italy, Norway, Spain and the United States of America. Negative replies are furnished by the Governments of Finland, Poland and the Union of South Africa. There is no reply from the Swiss Government to this question.

A considerable number of suggestions appear in the replies as to the points which might be specified in the Draft Convention, and these follow generally on the lines of the provision made in the text of 1935. The French Government proposes that the following points, among others, should be mentioned: the interpretation given to the word "mainly" in the definition

of the scope of the regulations and where necessary the definition of the line separating works and branches of works subject to the Convention and those not subject, classes of persons excluded from the scope of the Draft Convention in cases in which the Convention itself does not give a precise definition; offences reported. The Office therefore proposes the following text for this Article.

ARTICLE 9

The annual reports submitted by members upon the application of this Convention shall include more particularly full information concerning

(*a*) processes which the competent authority has recognised as necessarily continuous in character in virtue of Article 2, paragraph 3,
(*b*) arrangements of hours of work made in virtue of Article 2, paragraph 4, or of Article 3, paragraph 3,
(*c*) regulations made in virtue of Article 4, and
(*d*) allowances of and permits for overtime granted in virtue of Article 7

SAVING CLAUSE

The Committee on the Reduction of Hours of Work of the Nineteenth Session of the Conference, after completing its examination of proposed Draft Conventions relating to a number of industries, decided to add to the texts an Article expressly safeguarding established practice in cases where this afforded more favourable conditions than those provided by the Draft Convention itself. The Article now proposed by the Office reproduces the provision approved by the Conference in 1935, completing it by a reference to law as well as to custom and agreement

ARTICLE 10

Nothing in this Convention shall affect any law, custom or agreement between employers and workers which ensures more favourable conditions than those provided by this Convention

The Relation between the Proposed Draft Convention on Iron and Steel Works and the Forty-Hour Week Convention, 1935

Questions 32 to 35 (Replies on pp 66 to 70)

In the first of the four questions in this part of the Questionnaire Governments were asked whether they considered it desirable to indicate in the text of the proposed Draft Convention the connection between this Draft Convention and the Forty-Hour Week Convention, 1935, which declares approval of the principle of a forty-hour week applied in such a manner that the standard of living is not reduced in consequence

The great majority of the replies are in favour of including such an indication in the text now under consideration The Polish and Swiss Governments reply in the negative The majority in favour consists of the Governments of Belgium, Brazil, the Canadian Province of Manitoba, Chile, Finland, France, Italy, Norway, Spain, the Union of South Africa and the United States of America

The next two questions deal with two alternative, though not necessarily mutually exclusive, methods of indicating the connection between the two Draft Conventions The first is the inclusion in the Preamble of the proposed Draft Convention of a passage indicating that in adopting the Draft Convention the Conference confirms the principle laid down in the Forty-Hour Week Convention, 1935, including the maintenance of the standard of living The second is the incorporation of the terms of the Forty-Hour Week Convention, 1935, as an Article in the proposed Draft Convention. The Governments of Belgium, Brazil, the Canadian Province of Manitoba, Chile and Spain reply in the affirmative to both suggestions, though the Spanish Government prefers the first suggestion The Italian Government does not indicate any clear preference as between the two proposals The first suggestion also receives the support of the Governments of Belgium, Finland, France, Norway, and the Union of South Africa, but is opposed by the Governments of Poland, Switzerland and the United States of America The second suggestion receives the support of the Government of the United States of America, in addition to that of the Governments already named as accepting both proposals It should be observed, however, that the provision that the United States Government proposes to incorporate in the Draft Convention does not reproduce the precise terms of the Forty-Hour Week Convention, 1935, but is modelled on the Resolution adopted by the Conference together with that Convention The terms of the Article proposed by the United States Government are as follows "Any decrease in hours of work due to this Convention shall be accompanied by a proportionate increase in the hourly rate of pay, so that the application of this Convention shall not, as a consequence, reduce the weekly income of the workers, nor lower their standard of living" On the other hand, the proposal to incorporate the terms of the Forty-Hour Week Convention as a special Article is opposed by the Governments of Belgium, Finland, France, Norway, and Poland and also, though less definitely, by the Swiss and South African Governments

No proposals are made by Governments in response to the last question, which asked for suggestions as to a provision concerning the maintenance of the standard of living in the event of the replies to the two previous questions being in the negative

The analysis of the replies on this issue would be incomplete without reference to the replies made by Governments which

have not answered the Questionnaire in detail The only one of these Governments that discusses this point is the British Government, which considers that neither in the Forty-Hour Week Convention, 1935, nor in the Resolution adopted by the Conference together with that Convention, is there any provision which secures the maintenance of earnings as an essential condition of the reduction of hours This contention is similar to that put forward by the Swiss Government in its reply to this part of the Questionnaire, but this Government declares expressly that it is opposed to any reduction of hours of work which is subjected to the condition that it must not entail a lowering of the standard of living of the workers The British Government does not make any such explicit declaration of its attitude on this issue Its reply leaves open the two alternatives· either it is opposed, like the Swiss Government, to any Draft Convention which makes the reduction of hours of work conditional on the maintenance of earnings or of the standard of living of the workers, or else it would be prepared to agree to such a Draft Convention if a means can be found to make the condition of the maintenance of earnings effective If it may be presumed that the latter alternative represents the attitude of the British Government, it will nevertheless be noted that the Government does not offer any suggestion as to the method of achieving the end in view

It is, of course, possible that further suggestions will be made in the course of the discussions of the Conference, but meanwhile the Office must base its proposals upon the replies of Governments to the Questionnaire The foregoing analysis shows that while there is an appreciable diversity of views among the Governments, there is nevertheless a preponderance of opinion in favour of including in the Preamble of the proposed Draft Convention a passage indicating that in adopting the Draft Convention the Conference confirms the principle laid down in the Forty-Hour Week Convention, 1935, including the maintenance of the standard of living This, it will be remembered, was the course followed by the Conference itself in the case of the Reduction of Hours of Work (Glass-Bottle Works) Convention, 1935 It is true that such a declaration in the Preamble would not, of itself, have the same legal binding force as the precise stipulations contained in the body of the Convention, but this is not to say that it would have no value of any kind In the case of a State which ratified both the Forty-Hour Week Convention, 1935, and the Draft Convention on iron and steel works there could be no doubt that it would have to comply with the provisions of the earlier Convention in taking measures relating to hours of work in this industry. In the case of a State which ratified the Draft Convention on iron and steel works without having ratified the Forty-Hour Week Convention, while it would be true that it would not undertake any precise legal obligation internationally except in respect of the provisions contained in the body of the Convention, it would

also be true that it could not simply ignore the intentions of the Forty-Hour Week Convention without affronting public opinion both in its own country and internationally The obligation undertaken would be moral rather than legal, but would nevertheless be valuable

No doubt it would be desirable theoretically to include in the Draft Convention precise stipulations concerning the maintenance of the earnings and the standard of living of the workers, but the framing of such stipulations appears to be in practice impossible The only suggestion made is that of the United States Government, but even if this suggestion were to commend itself to the necessary majority of the Conference it is difficult to see that its effects would be anything more than ephemeral This suggestion provides for an increase in rates of pay to accompany the reduction in hours of work, but it leaves open — as indeed is inevitable — the possibility that rates of pay may be changed again, immediately afterwards, for any of the many reasons which may be adduced in support of a reduction of wages The problem could be solved, if at all, only by imposing on States an obligation to exercise a continuous control over earnings, and that is a responsibility which would not commend itself to the majority of Governments or of employers' or workers' organisations.

For these reasons the Office proposes that, as in the case of the Convention concerning Glass-Bottle Works, the Preamble to the Draft Convention now under consideration should include to following phrase

> Confirming the principle laid down in the Forty-Hour Week Convention, 1935, including the maintenance of the standard of living.

* * *

With these explanations and comments the Office submits to the Conference the proposed Draft Convention concerning the reduction of hours of work in iron and steel works, the text of which is given in the following pages

PROPOSED DRAFT CONVENTION CONCERNING THE REDUCTION OF HOURS OF WORK IN IRON AND STEEL WORKS

The General Conference of the International Labour Organisation,

Having met at Geneva in its Twentieth Session on 4 June 1936;

Considering that the question of the reduction of hours of work in iron and steel works is the fifth item on the agenda of the Session;

Confirming the principle laid down in the Forty-Hour Week Convention, 1935, including the maintenance of the standard of living,

Considering it to be desirable that this principle should be applied by international agreement to iron and steel works;

adopts this day of June one thousand nine hundred and thirty-six the following Draft Convention .

Article 1

1 This Convention applies to persons employed in any undertaking or branch thereof engaged wholly or mainly in any one or more of the following operations

(*a*) the conversion of ore into pig iron,

(*b*) the conversion of pig iron or iron or steel scrap into iron or steel,

(*c*) the rolling or heavy forging of iron or steel

2 The competent authority shall, after consultation with the organisations of employers and workers concerned where such exist, define the line which separates undertakings or branches covered by this Convention from undertakings or branches engaged in related operations

3 The competent authority may, after consultation with the organisations of employers and workers concerned where such exist, exempt from the application of this Convention persons occupying positions of supervision or management or engaged in technical control of operations who do not ordinarily perform manual work

AVANT-PROJET DE CONVENTION CONCERNANT LA RÉDUCTION DE LA DURÉE DU TRAVAIL DANS L'INDUSTRIE DU FER ET DE L'ACIER

La Conférence générale de l'Organisation internationale du Travail,

S'étant réunie à Genève, le 4 juin 1936, en sa vingtième session;

Considérant que la question de la réduction de la durée du travail dans l'industrie du fer et de l'acier constitue la cinquième question à l'ordre du jour de la session;

Confirmant le principe consacré dans la convention des quarante heures, 1935, comportant aussi le maintien du niveau de vie des travailleurs,

Considérant qu'il est désirable que ce principe soit appliqué par accord international à l'industrie du fer et de l'acier,

adopte, ce jour de juin mil neuf cent trente-six, le projet de convention ci-après

Article 1

1 La présente convention s'applique aux personnes employées dans les établissements ou branches d'établissements dont l'activité porte exclusivement ou principalement sur une ou plusieurs des opérations suivantes.

a) transformation du minerai en fonte,

b) transformation de la fonte ou de la ferraille en fer ou en acier,

c) laminage ou gros forgeage du fer ou de l'acier

2 L'autorité compétente, après consultation des organisations d'employeurs et de travailleurs intéressés, s'il en existe, déterminera la ligne de démarcation entre les établissements ou branches d'établissements couverts par la présente convention, d'une part, et les autres établissements ou branches d'établissements occupés dans les opérations connexes, d'autre part

3 L'autorité compétente, après consultation des organisations d'employeurs et de travailleurs intéressés, s'il en existe, peut exempter de l'application de la présente convention les personnes occupant un poste de surveillance ou de direction ou de contrôle technique des opérations et ne participant normalement à aucun travail manuel

ARTICLE 2

1. The hours of work of persons to whom this Convention applies shall not exceed an average of forty per week.

2 In the case of persons who work in successive shifts at processes required by reason of the nature of the process to be carried on without a break at any time of the day, night or week, weekly hours of work may average forty-two.

3 The competent authority shall, after consultation with the organisations of employers and workers concerned where such exist, determine the processes to which paragraph 2 of this Article applies.

4. Where hours of work are calculated as an average, the competent authority shall, after consultation with the organisations of employers and workers concerned where such exist, determine the number of weeks over which this average may be calculated

5. For the purpose of this Convention the term "hours of work" means the time during which persons employed are at the disposal of the employer and does not include rest periods during which they are not at his disposal.

ARTICLE 3

1. No arrangement of hours of work made under the provisions of Article 2 shall allow of any person working for more than eight hours in any one day or forty-eight hours in any one week

2 Provided that, subject to the forty-eight hour weekly limit, the daily limit may by the sanction of the competent authority or by agreement between representatives of the employers and workers concerned be increased to nine hours.

3 Provided also that the limits of eight and forty-eight hours may be exceeded in exceptional cases in which the competent authority, after consultation with the organisations of employers and workers concerned where such exist, approves an arrangement of hours involving higher limits.

4 The provisions of this Article do not apply to any daily or weekly excess of the prescribed limits necessary to allow of the periodical change-over of shifts.

ARTICLE 2

1. La durée du travail des personnes auxquelles s'applique la présente convention ne doit pas dépasser en moyenne quarante heures par semaine

2 Pour les personnes qui travaillent par équipes successives à des travaux dont le fonctionnement continu doit, en raison même de la nature du travail, être nécessairement assuré sans interruption à aucun moment du jour, de la nuit ou de la semaine, la durée hebdomadaire du travail peut atteindre quarante-deux heures

3 L'autorité compétente déterminera, après consultation des organisations d'employeurs et de travailleurs intéressés, s'il en existe, les travaux auxquels s'applique le paragraphe 2 du présent article

4 Quand la durée du travail est calculée d'après une durée moyenne, l'autorité compétente doit, après consultation des organisations d'employeurs et de travailleurs intéressés, s'il en existe, fixer le nombre de semaines sur lequel cette durée moyenne peut être calculée.

5 Aux fins de la présente convention, l'expression « durée du travail » signifie le temps pendant lequel le personnel est à la disposition de l'employeur, et ne comprend pas les repos pendant lesquels il n'est pas à sa disposition.

ARTICLE 3

1 Aucune répartition des heures de travail faite en vertu des dispositions de l'article 2 ne peut autoriser une personne a travailler plus de huit heures par jour ni plus de quarante-huit heures par semaine

2 Toutefois, sous reserve de la limite hebdomadaire de quarante-huit heures, la limite journalière peut être portée a neuf heures, par decision de l'autorité compétente ou par accord entre les représentants des employeurs et des travailleurs intéresses

3 En outre, les limites de huit heures par jour et quarante-huit heures par semaine peuvent être dépassees dans des cas exceptionnels ou l'autorite compétente approuve, après consultation des organisations d'employeurs et de travailleurs interesses, s'il en existe, une répartition comportant des limites plus élevees

4 Les dispositions du présent article ne s'appliquent pas en ce qui concerne les depassements journaliers ou hebdomadaires nécessaires pour le changement périodique de l'horaire des equipes

ARTICLE 4

1 The competent authority may, by regulations made after consultation with the organisations of employers and workers concerned where such exist, provide that the limits of hours prescribed in the preceding Articles may be exceeded in the case of

(*a*) persons employed on preparatory or complementary work which must necessarily be carried on outside the limits laid down for the general working of the undertaking, branch or shift;

(*b*) persons employed in occupations which, by their nature, involve long periods of inaction during which the said persons have to display neither physical activity nor sustained attention or remain at their posts only to reply to possible calls.

2 The regulations referred to in paragraph 1 shall determine the maximum number of hours which may be worked in virtue of this Article

ARTICLE 5

The limits of hours prescribed in the preceding Articles may be exceeded, but only so far as may be necessary to avoid serious interference with the ordinary working of the undertaking,

(*a*) in case of accident, actual or threatened, or in case of urgent work to be done to machinery or plant, or in case of *force majeure*; or

(*b*) in order to make good the unforeseen absence of one or more members of a shift

ARTICLE 6

1. The limits of hours prescribed in Articles 2, 3 and 4 may be exceeded in cases where the continued employment of certain persons is necessary for the completion of an operation which it is technically impossible to interrupt.

2 The competent authority shall, after consultation with the organisations of employers and workers concerned where such exist, determine the operations to which the preceding paragraph applies and the maximum number of hours in excess of the prescribed limits which may be worked by the persons concerned

3 Overtime worked in virtue of this Article shall be remunerated at not less than one-and-a-quarter times the normal rate

ARTICLE 4

1 L'autorité compétente peut, par des règlements pris après consultation des organisations d'employeurs et de travailleurs intéressés, s'il en existe, permettre de dépasser les limites des heures de travail fixées aux articles précédents dans le cas

a) de personnes employées à des travaux préparatoires ou complémentaires qui doivent être nécessairement exécutés en dehors des limites assignées au travail général de l'établissement, de la branche d'établissement ou de l'équipe;

b) de personnes employées à des occupations qui, par leur nature, comportent de longues périodes d'inaction pendant lesquelles ces personnes n'ont à déployer ni activité matérielle ni attention soutenue, ou ne restent à leur poste que pour répondre à des appels éventuels

2 Les règlements prévus au paragraphe 1 doivent déterminer le nombre maximum d'heures de travail qui peuvent être effectuées en vertu du présent article

ARTICLE 5

Les limites des heures de travail prévues aux articles précédents peuvent être dépassées, mais uniquement dans la mesure nécessaire pour éviter qu'une gêne sérieuse ne soit apportée à la marche normale de l'établissement:

a) en cas d'accident survenu ou imminent, ou en cas de travaux d'urgence à effectuer aux machines ou à l'outillage ou en cas de force majeure;

b) pour faire face à l'absence imprévue d'une ou plusieurs personnes d'une équipe

ARTICLE 6

1 Les limites des heures de travail fixées aux articles 2, 3 et 4 peuvent être dépassées dans le cas où la prolongation du travail de certaines personnes est nécessaire pour l'achèvement d'une opération dont l'interruption est techniquement impossible

2 L'autorité compétente déterminera, après consultation des organisations d'employeurs et de travailleurs intéressés, s'il en existe, les opérations visées par le précédent alinéa et le nombre maximum des heures dépassant les limites prescrites pendant lesquelles le personnel envisagé pourra travailler

3 Les heures supplémentaires effectuées en vertu des dispositions du présent article doivent être rémunérées à un taux majoré d'au moins vingt-cinq pour cent par rapport au salaire normal

ARTICLE 7

1. The competent authority may grant an allowance of overtime for exceptional cases of pressure of work. Such an allowance shall only be granted under regulations made after consultation as to the necessity of such overtime and the number of hours to be worked with the organisations of employers and workers concerned where such exist, and no such allowance shall permit of any person being employed for more than one hundred hours of overtime in any year.

2. In cases of urgency in which it is satisfied of the impracticability of engaging additional persons the competent authority may in respect of specified persons or classes of persons grant to individual undertakings temporary permits for further overtime, so however that no such permit shall allow the employment of any person for more than sixty hours of such overtime in any year.

3 Overtime authorised in virtue of this Article shall be remunerated at not less than one-and-a-quarter times the normal rate.

ARTICLE 8

In order to facilitate the effective enforcement of the provisions of this Convention every employer shall be required:

(*a*) to notify by the posting of notices in a conspicuous manner in the works or other suitable place or by such other method as may be approved by the competent authority:

(i) the hours at which work begins and ends;

(ii) where work is carried on by shifts, the hours at which each shift begins and ends;

(iii) where a rotation system is applied, a description of the system including a time-table for each person or group of persons;

(iv) the arrangements made in cases where the average duration of the working week is calculated over a number of weeks; and

(v) rest periods in so far as these are not reckoned as part of the working hours;

(*b*) to keep a record in the form prescribed by the competent authority of all additional hours worked in virtue of Articles 6 and 7 and of the payments made in respect thereof

ARTICLE 7

1 L'autorite competente peut attribuer un contingent d'heures supplementaires pour faire face à des surcroîts de travail extraordinaires Ce contingent ne peut être attribué qu'en vertu de règlements édictés apres consultation des organisations d'employeurs et de travailleurs interessés, s'il en existe, sur la necessité de ces heures supplementaires et sur leur nombre Le maximum des heures ainsi accordées ne doit pas permettre qu'une personne soit employée plus de cent heures supplémentaires par an

2 En outre, dans des cas d'urgence où elle est fondée à considerer comme impossible l'embauchage de nouvelles personnes, l'autorité competente peut accorder a des etablissements déterminés, pour des personnes ou des groupes de personnes designés, des autorisations temporaires d'heures supplémentaires, sous reserve qu'une autorisation ainsi accordee n'entraîne pas l'emploi d'une personne pendant plus de soixante heures de travail supplementaires au cours d'une annee

3 Les heures supplémentaires effectuées en vertu des dispositions du présent article doivent être remunérées à un taux majore d'au moins vingt-cinq pour cent par rapport au salaire normal

ARTICLE 8

En vue de faciliter l'application effective des dispositions de la presente convention, chaque employeur doit·

a) faire connaître, au moyen d'affiches apposées d'une manière apparente dans l'établissement ou dans un autre lieu convenable, ou selon tout autre mode approuvé par l'autorité compétente

i) les heures auxquelles commence et finit le travail;

ii) si le travail s'effectue par équipes, les heures auxquelles commence et finit le tour de chaque équipe,

iii) s'il est fait application d'un système de roulement, une description de ce système, y compris un horaire de travail pour chaque personne ou groupe de personnes,

iv) les dispositions prises dans les cas ou la durée hebdomadaire moyenne du travail est calculée sur plusieurs semaines,

v) les repos, dans la mesure où ils ne sont pas considerés comme faisant partie des heures de travail,

b) inscrire sur un registre, selon le mode approuvé par l'autorité compétente, toutes les prolongations de la duree du travail qui ont eu lieu en vertu des articles 6 et 7 ainsi que le montant de leur retribution

ARTICLE 9

The annual reports submitted by members upon the application of this Convention shall include more particularly full information concerning:

(*a*) processes which the competent authority has recognised as necessarily continuous in character in virtue of Article 2 paragraph 3;

(*b*) arrangements of hours of work made in virtue of Article 2, paragraph 4, or of Article 3, paragraph 3;

(*c*) regulations made in virtue of Article 4; and

(*d*) allowances of and permits for overtime granted in virtue of Article 7.

ARTICLE 10

Nothing in this Convention shall affect any law, custom or agreement between employers and workers which ensures more favourable conditions than those provided by this Convention.

ARTICLE 9

Les rapports annuels soumis par les Membres sur l'application de la presente convention doivent comprendre des renseignements complets concernant notamment

a) les travaux que l'autorite competente a qualifiés comme etant, par leur nature, a fonctionnement necessairement continu, aux fins de l'article 2, paragraphe 3;

b) les répartitions des heures de travail effectuees en vertu de l'article 2, paragraphe 4, ou en vertu de l'article 3, paragraphe 3,

c) les reglements etablis conformement aux dispositions de l'article 4,

d) les contingents et autorisations d'heures supplementaires accordes en vertu de l'article 7.

ARTICLE 10

Rien dans la presente convention n'affecte toute loi, toute coutume ou tout accord entre les employeurs et les travailleurs qui assurent des conditions plus favorables que celles prévues par la presente convention